Draft Order laid before Parliament under section 90E(4) of the Road Traffic Offenders Act 1988, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2013 No. 0000

ROAD TRAFFIC

The Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2013

Made - - - - 2013

Coming into force in accordance with article 1

This Order is made in exercise of powers conferred by sections 90B(2) and 90E(3) of the Road Traffic Offenders Act 1988(**a**).

The Secretary of State has consulted such representative organisations as appear appropriate in accordance with section 90E(2) of that Act.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 90E(4) of that Act.

Accordingly, the Secretary of State makes the following Order:

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2013 and comes into force on the day after the day on which it is made.

(2) In this Order, "the Principal Order" means the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009(**b**).

(3) This Order applies in relation to an offence alleged to have been committed on or after the day on which this Order comes into force.

Amendment of article 2

2.—(1) Article 2 of the Principal Order (the appropriate amount) is amended as follows.

(2) In paragraph (1)(c), for "£300" substitute "£500".

(3) In paragraph (2), for "£900" substitute "£1500".

(**a**) 1988 c.53; sections 90B and 90E were inserted by section 11(1) of the Road Safety Act 2006 (c.49).
(**b**) S.I. 2009/492, amended by S.I. 2010/3016.

Amendment of Schedule 1

3.—(1) Schedule 1 to the Principal Order (Deposits for Fixed Penalty Offences) is amended as follows.

(2) In Part 1, in table 1, in column (3) in each case for "£200" substitute "£300".

(3) In Part 1, in table 2, in column (3) for "£200" substitute "£300".

(4) In Part 1, in table 3, in column (3) for "£200" substitute "£300".

(5) In Part 1, in table 4, in column (3) of the entries relating to sections 5(1), 8(1), 11(1), 16(1), 17(4), 18(3), 20(5) and 88(7) for "£30" substitute "£50".

(6) In Part 1, in table 4, in column (3) of the entries relating to sections 16(1), 17(4), 25(5) and 89(1) for "£60" substitute "£100".

(7) In Part 1, in table 5, before the entry relating to section 14(3) insert the following new item—

"A1. Section 3(**a**)	Driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or other place	£100"

(8) In Part 1, in table 5, in column (3) of the entries relating to sections 14(3)(**b**), 15(2)(**c**), 15(4)(**d**), 22, 35(1), 35(2), 36(1), 40A, 41D, 47(1) and 87(1) for "£60" substitute "£100".

(9) In Part 1, in table 5, in column (3) of the entries relating to sections 16(4), 18(3), 34(1), 35(1), 36(1), 87(1) and 163(3) for "£30" substitute "£50".

(10) In Part 1, in table 5, in column (3) of the entries relating to sections 71(1) and 143(2) for "£200" substitute "£300".

(11) In Part 1, in table 6, in column (3) for "£200" substitute "£300".

(12) In Part 1, in table 7, in column (3)(**e**) in each case for "£60" substitute "£100".

(13) In Part 1, in table 8, in column (3) for "£200" substitute "£300".

(14) In Part 2, in table 1, in column (3) in each case for "£30" substitute "£50".

(15) In Part 2, in table 2, in column (3) of the entry relating to regulation 3 for "£60" substitute "£100".

(16) In Part 2, in table 2, in column (3) of the entry relating to regulation 7 for "£30" substitute "£50".

(17) In Part 2, in table 3, in column (3) of the entry relating to regulation 3 for "£60" substitute "£100".

(18) In Part 2, in table 3, in column (3) of the entry relating to regulation 7 for "£30" substitute "£50".

(19) In Part 2, in table 4, in column (3) of the entries relating to regulations 3(1) and 4(1) for "£60" substitute "£100".

(**a**) Section 3 of the Road Traffic Act 1988 (c.52) was substituted by section 2 of the Road Traffic Act 1991 (c.40).
(**b**) Column (3) of the entry relating to section 14(3) was substituted by S.I. 2010/3016.
(**c**) Column (3) of the entry relating to section 15(2) was substituted by S.I. 2010/3016.
(**d**) Column (3) of the entry relating to section 15(4) was substituted by S.I. 2010/3016.
(**e**) The entries in column (3) relating to sections 42(1) and 43(1) were substituted, and the entry relating to section 59(1) was inserted, by S.I. 2010/3016.

(20) In Part 2, in table 4, in column (3) of the entries relating to regulations 7(1) and 7(3) for "£30" substitute "£50".

(21) In Part 2, in table 5, in column (3) for "£30" substitute "£50".

Amendment of Schedule 2

4.—(1) Schedule 2 to the Principal Order (Deposits for Graduated Fixed Penalty Offences) is amended as follows.

(2) In tables 1, 2 and 5 in the heading to column (2) in each case for—

(a) "£60" substitute "£100";

(b) "£120" substitute "£200"; and

(c) "£200" substitute "£300".

(3) In tables 1, 2 and 5 in the entry relating to "In all other cases" in each case for "£30" substitute "£50".

(4) In table 3 for—

(a) "£200" in column (2) of entries 1, 4, 7 and 11 substitute "£300";

(b) "£60" in column (2) of entries 2, 6 and 8 substitute "£100";

(c) "£120" in column (2) of entries 3, 5, 9, 10, 12, 13 and 14 substitute "£200"; and

(d) "£30" in column (2) of entry 15 substitute "£50".

(5) In table 4(**a**) for—

(a) "£120" in column (2) of entry 1 substitute "£200"; and

(b) "£60" in column (2) of entry 2 substitute "£100".

(6) In table 6 for—

(a) "£120" in column (2) of entries 1 and 2 substitute "£200";

(b) "£60" in column (2) of entries 3, 4 and 5 substitute "£100"; and

(c) "£30" in column (2) of entry 6 substitute "£50".

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Department for Transport

Date

(**a**) Entry 1 was substituted by S.I. 2010/3016.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009 (the "Principal Order"). The Principal Order specifies the amounts of financial penalty deposits that may be imposed, where certain conditions are met, by constables and vehicle examiners, in relation to offences specified in an order made under section 90A of the Road Traffic Offenders Act 1988 (as inserted by section 11 of the Road Safety Act 2006).

The amendments made by this Order increase all the appropriate amounts of financial deposits (except those relating to parking offences) from £30 to £50, £60 to £100, £120 to £200 and £200 to £300. It also increases the appropriate amount from £300 to £500 in circumstances where a person has been given notification that it appears likely that proceedings will be brought against him. The appropriate amount in respect of any single occasion in circumstances where more than one financial penalty deposit requirement is imposed is also increased from £900 to £1500.

This Order also specifies the amount of £100 for the deposit for the fixed penalty offence of driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place.

A full impact assessment has been prepared which relates to both this instrument and to the proposed Fixed Penalty (Amendment) Order 2013 which it is intended will increase most motoring fixed penalties including graduated fixed penalties. The impact assessment and an Explanatory Memorandum are available alongside the instrument on the UK Legislation website, www.legislation.gov.uk.

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