# 1960 No. 1600

## The Fixed Penalty (Procedure) Regulations, 1960

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| *Made* - - - - | *2nd September*, 1960 |
| *Laid before Parliament* | *9th September*, 1960 |
| *Coming into Operation* | *15th September*, 1960 |

In pursuance of the powers conferred upon me by subsection (11) of section one of the Road Traffic and Roads Improvement Act, 1960(a), I hereby make the following Regulations:—

**1.**—(1) A notice under subsection (2) of section one of the Road Traffic and Roads Improvement Act, 1960, offering the opportunity of the discharge of any liability to conviction of an offence to which that section applies by payment of a fixed penalty (hereafter in these Regulations referred to as "a notice") shall be in the form in the Schedule to these Regulations or in a form to the like effect.

(2) A notice, in specifying an alleged offence, shall contain a reference to the section of the Act or, as the case may be, the rule, order, regulation, byelaw or other instrument creating the offence.

**2.** A copy of any notice given or affixed under the said section one shall, as soon as practicable, be forwarded by or on behalf of the constable or traffic warden giving or affixing the notice to the justices' clerk to whom the fixed penalty is payable.

**3.** Where a notice given or affixed under the said section one specifies an offence for which a local authority may prosecute, a copy of the notice shall, as soon as practicable, be forwarded by or on behalf of the constable or traffic warden giving or affixing the notice to the local authority unless the local authority have notified the chief officer of police in writing that they do not wish to receive copies of notices relating to that offence.

**4.** Payment of a fixed penalty shall be made—

(*a*) if the offence alleged was committed in the metropolitan stipendiary court area, to the chief clerk of the Marylebone metropolitan magistrates' court;

(*b*) if the offence alleged was committed elsewhere, to the clerk to the justices for the petty sessions area in which the offence alleged was committed.

**5.**—(1) The person paying a fixed penalty shall either forward with the remittance Part 2 of the relevant notice or identify the notice by specifying its serial number.

(2) If, owing to the failure of the person paying a fixed penalty to comply with the provisions of paragraph (1) of this Regulation, the justices' clerk is unable to identify the relevant notice, the clerk shall, as soon as practicable, return the remittance to that person.

(a) 8 & 9 Eliz. 2. c. 63.

**6.** If less than the full amount of a fixed penalty is tendered to a justices' clerk in payment of the fixed penalty, the justices' clerk shall, as soon as practicable, return to the sender the amount tendered.

**7.**—(1) Where criminal proceedings in respect of the act or omission constituting the offence specified in a notice are taken by a constable, traffic warden or local authority, notification thereof shall, as soon as possible, be given by or on behalf of the constable, traffic warden or local authority to the justices' clerk specified in the notice.

(2) The justices' clerk shall not, after receiving the said notification, accept payment of the fixed penalty to which the notice relates.

**8.** Subject to the foregoing provisions of this Order a justices' clerk shall, as soon as practicable after payment of a fixed penalty has been made to him,—

(*a*) send to the payer a receipt for the payment, and

(*b*) inform the chief officer of police for the police area in which the alleged offence was committed of the payment.

**9.** The Interpretation Act, 1889(**a**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

**10.**—(1) These Regulations may be cited as the Fixed Penalty (Procedure) Regulations, 1960, and shall come into operation on the fifteenth day of September, 1960.

(2) These Regulations shall not extend to Scotland.

*R. A. Butler,*
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

2nd September, 1960.

Regulation 1

SCHEDULE

Serial No. (of notice) .....

NOTE: *It is an offence for anyone, other than the person liable for the undermentioned offence or the driver or the person in charge of the vehicle or any person authorised by any such person, to remove or interfere with this notice.*

SECTION 1: ROAD TRAFFIC AND ROADS IMPROVEMENT ACT, 1960

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

PART 1

Motor vehicle, index No. ..... was seen in (*insert name of road*) .....
[from ..... to .....] [at .....]

(a) 52 & 53 Vict. c. 63.

on the ..... day of ..... 19 , in circumstances giving me reasonable cause to believe that an offence, particulars of which are given* [at ( )] below, was being or had been committed.

* The use of box numbers to indicate the different offences is optional.

*(here insert particulars of the offence alleged as in the following examples :—*

*[(1)] The vehicle was waiting in a restricted street (Regulation 3 of the London Parking Zones (Waiting and Loading) (Restriction) Regulations, 1960).

*[(2)] The vehicle was left in a parking place without the initial charge having been paid (section 88 of the Road Traffic Act, 1960).

*[(3)] The vehicle was left in a parking place for more than two hours after the excess charge was incurred (Article 10 of the Parking Places (Westminster) (No. 1) Order, 1959, and section 88 of the Road Traffic Act, 1960)).

Police Constable/Traffic Warden Signature .....

Number .....

If before the end of days from the above date, the sum of £ (being the fixed penalty for the offence) is paid to (*insert name and address of justices' clerk*), the police will not take proceedings for the offence, and any liability to conviction of the offence will be discharged. Cash should be sent by registered post: cheques, postal orders or money orders should be made payable to .

A receipt for the payment will be given. Part payment will not be accepted by the clerk.

The person paying the fixed penalty must forward with the remittance Part 2 of this notice or identify this notice by quoting its serial number.

If the fixed penalty is not paid, the offender is liable to be prosecuted.

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PART 2

Serial No. (of notice) .....

To (*insert name and address of justices' clerk*)

I enclose the sum of £ as payment of the fixed penalty for the offence mentioned in Part 1 of this notice.

Name (in block capitals) .....

Address (in block capitals) .....

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## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations prescribe the form of notice which is to be given to a person or affixed to a vehicle under section 1 of the Road Traffic and Roads Improvement Act, 1960. The notice offers the opportunity of discharging, by payment of a fixed penalty, any liability to conviction of the offence specified therein. The Regulations also prescribe the justices' clerk to whom the fixed penalty is payable, and the procedure to be followed with respect to the payment.