STATUTORY INSTRUMENTS

1970 No. 198

CRIMINAL PROCEDURE, ENGLAND AND WALES

The Fixed Penalty (Procedure) Regulations 1970

Made - - - -	11*th February* 1970
Laid before Parliament	19*th February* 1970
Coming into Operation	1*st March* 1970

In pursuance of the powers conferred upon me by section 80(11) of the Road Traffic Regulation Act 1967**(a)**, I hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Fixed Penalty (Procedure) Regulations 1970.

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

(*b*) In these Regulations the expression "local authority" has the meaning assigned to it by section 35(4) of the Road Traffic Regulation Act 1967.

(3) These Regulations shall not extend to Scotland.

(4) These Regulations shall come into operation on 1st March 1970.

(5) The Regulations contained in Schedule 2 to these Regulations are hereby revoked.

2. A notice under section 80(2) of the Road Traffic Regulation Act 1967 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 Schedule 1 to these Regulations or a form to the like effect.

3. A copy of any notice given or affixed under the said section 80 shall, as soon as practicable, be forwarded by or on behalf of the constable or traffic warden giving or affixing the notice—

(*a*) to the justices' clerk to whom the fixed penalty is payable, unless the justices' clerk has notified the chief officer of police that he does not wish to receive a copy of any such notice; and

(*b*) to the local authority for the area in which the offence alleged was committed, if that local authority has notified the chief officer of police that it wishes to receive a copy of any such notice.

4.—(1) Payment of a fixed penalty shall be made—

(*a*) if the offence alleged was committed in the inner London area, to the chief clerk at the Marylebone magistrates' court;

(*b*) if the offence alleged was committed in the south-west London area, to the clerk to the justices for the Kingston-upon-Thames petty sessional division;

(*c*) if the offence alleged was committed in the south-east London area, to the clerk to the justices for the Croydon petty sessional division;

(*d*) if the offence alleged was committed in the north-east London area, to the clerk to the justices for the Beacontree petty sessional division;

(*e*) if the offence alleged was committed in the Middlesex area, to the clerk to the justices for the Brentford petty sessional division;

(a) 1967 c. 76. (b) 1889 c. 63.

(*f*) if the offence alleged was committed in the petty sessional division of Campden, Cheltenham, Newent, Northleach, Stow-on-the-Wold, Tewkesbury or Winchcombe, to the clerk to the justices for the Cheltenham petty sessional division;

(*g*) 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.

(2) In this Regulation the expressions "inner London area", "south-west London area", "south-east London area", "north-east London area" and "Middlesex area" have the meanings respectively assigned to them by section 2 of the Administration of Justice Act 1964**(a)**.

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.

6.—(1) When any payment is made in accordance with these Regulations, it shall be of the amount specified in the notice or, where payment is made in respect of more than one notice, of the total of the amounts specified in the notices.

(2) Any such amount or amounts as aforesaid shall be paid to the justices' clerk specified in the relevant notice or notices.

(3) Where any amount is paid otherwise than in accordance with the foregoing paragraphs of this Regulation, the justices' clerk may return it to the payer.

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 practicable, 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 these Regulations, 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*) notify the chief officer of police and the local authority for the area in which the offence was committed that such payment has been made except where the chief officer of police or the local authority, as the case may be, has informed the clerk that he, or it, does not wish to be notified.

James Callaghan,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
11th February 1970.

(a) 1964 c. 42.

SCHEDULE 1 Regulation 2

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.*

*Delete if notice not affixed to a vehicle.

SECTION 80: ROAD TRAFFIC REGULATION ACT 1967

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

PART 1

Motor vehicle, index No.....was seen in (*insert name of road*).....
[from.....to.....] [at.....]
on the.....day of.....19 , in circumstances giving me reasonable cause to believe that the offence described at [( )] below, was being or had been committed.

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

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

*[(1)] The vehicle was waiting in a restricted street. (Section 6(9) of the Road Traffic Regulation Act 1967).

*[(2)] The vehicle was left in a street parking place without the initial charge being paid. (Section 42(1) of the Road Traffic Regulation Act 1967).

*[(3)] The vehicle was left in a street parking place for more than two hours after the excess charge was incurred. (Section 42(1) of the Road Traffic Regulation Act 1967).

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 the clerk to the justices, (*insert address of clerk to the justices*), the police will not take proceedings for the offence, and any liability to conviction of the offence will be discharged. Cash should be sent only by registered post; cheques, postal orders or money orders should be made payable to

A receipt for the payment will be given. Payments must be of the exact amount shown on the notice or the exact total of the various amounts, if payment is made in respect of more than one notice. Payment must be made to the justices' clerk specified in the notice relating to that payment. A justices' clerk will not accept amounts which are, or include, amounts required to be paid to another justices' 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 prosecution.

PART 2

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

To clerk to the justices (*insert address of clerk to the justices*)

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).....

Regulation 1

SCHEDULE 2

REGULATIONS REVOKED

Regulations	References
The Fixed Penalty (Procedure) Regulations 1960	S.I. 1960/1600 (1960 I, p. 857).
The Fixed Penalty (Procedure) Regulations 1967	S.I. 1967/71 (1967 I, p. 152).
The Fixed Penalty (Procedure) (No. 2) Regulations 1967	S.I. 1967/184 (1967 I, p. 331).
The Fixed Penalty (Procedure) (No. 3) Regulations 1967	S.I. 1967/1025 (1967 II, p.3110).

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations prescribe the procedure to be followed in the enforcement of fixed penalties for certain road traffic offences under section 80 of the Road Traffic Regulation Act 1967. They consolidate with minor amendments the Fixed Penalty (Procedure) Regulations 1960 and subsequent amending regulations, which are revoked.

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