STATUTORY INSTRUMENTS

1974 No. 476

CRIMINAL PROCEDURE, ENGLAND AND WALES

The Fixed Penalty (Procedure) Regulations 1974

Made - - -	*16th March* 1974
Laid before Parliament	*26th March* 1974
Coming into Operation	*1st April* 1974

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. These Regulations may be cited as the Fixed Penalty (Procedure) Regulations 1974 and shall come into operation on 1st April 1974.

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

(2) In these Regulations any reference to any enactment is a reference to that enactment as amended by or under any other enactment.

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

(4) These Regulations shall not extend to Scotland.

3.—(1) Subject to paragraph (2) of this Regulation the Fixed Penalty (Procedure) Regulations 1970(**c**), as amended(**d**), shall cease to have effect and accordingly the Regulations set out in Schedule 1 to these Regulations are hereby revoked.

(2) In a case in which a fixed penalty 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, has been given or affixed under the said section 80 before 1st April 1974, the said Regulations of 1970 shall have effect as if these Regulations had not been made except that, (save where the justices' clerk is the Chief Clerk of the Marylebone Magistrates' Court),—

(*a*) the amount specified in the fixed penalty notice shall not be paid in pursuance of Regulation 6(2) of the said Regulations of 1970 and any notice of the taking of criminal proceedings shall not be given in pursuance of Regulation 7(1) thereof to the justices' clerk specified in the fixed penalty notice, being the clerk for an existing petty sessions area within the meaning of Article 2(3) of the Local Government (Petty Sessional Divisions etc.) Order 1973(**e**), but shall be paid or given to the justices' clerk for the respective new petty sessions area within the meaning of the said Article 2(3);

(**a**) 1967 c. 76. (**b**) 1889 c. 63. (**c**) S.I. 1970/198 (1970 I, p. 869).
(**d**) S.I. 1972/333, 1399, 1973/319 (1972 I, p. 1365; III, p. 4256; 1973 I, p. 1116).
(**e**) S.I. 1973/1593 (1973 III, p. 4975).

(*b*) where any such payment or notice is sought to be made or given to the justices' clerk specified in the fixed penalty notice and it is received by the justices' clerk for the respective new petty sessions area, it shall be deemed to have been duly made or given.

4. 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 2 to these Regulations or a form to the like effect.

5. 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.

6. The notice shall provide that any payment of a fixed penalty should be made—

(*a*) if the offence is alleged to have been committed in an area specified in the first column of Schedule 3 to these Regulations, to the clerk specified opposite thereto in the second column of that Schedule;

(*b*) if the offence is alleged to have been committed otherwise than in an area so specified, to the clerk to the justices for the petty sessions area in which it is alleged to have been committed.

7.—(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.

8.—(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 these Regulations, the justices' clerk may return it to the payer.

9.—(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.

10. 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.

Roy Jenkins,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
16th March 1974.

Regulation 1

SCHEDULE 1

Regulations Revoked	References
The Fixed Penalty (Procedure) Regulations 1970	S.I. 1970/198 (1970 I, p. 869).
The Fixed Penalty (Procedure) (Amendment) Regulations 1972	S.I. 1972/333 (1972 I, p. 1365).
The Fixed Penalty (Procedure) (Amendment) (No. 2) Regulations 1972	S.I. 1972/1399 (1972 III, p. 4256).
The Fixed Penalty (Procedure) (Amendment) Regulations 1973	S.I. 1973/319 (1973 I, p. 1116).

Regulation 4

SCHEDULE 2

*Delete if notice not affixed to a vehicle.

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 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).....

SCHEDULE 3

Regulation 4

PAYMENT OF FIXED PENALTY IN CERTAIN AREAS

Area in which offence was committed (1)	Clerk to whom payment is to be made (2)
The Bedfordshire police area.	The clerk to the justices for the North Bedfordshire petty sessional division.
The Derbyshire police area.	The clerk to the justices for the Derby petty sessional division.
In the non-metropolitan county of Gloucestershire the petty sessional divisions of Campden, Cheltenham, Newent, Northleach, Stow-on-the-Wold, Tewkesbury and Winchcombe.	The clerk to the justices for the Cheltenham petty sessional division.
In the metropolitan county of Greater Manchester the petty sessional division of Eccles and the metropolitan districts of Bolton, Manchester, Oldham, Stockport, Tameside and Trafford.	The clerk to the justices for the metropolitan district of Manchester.
The non-metropolitan counties of Hampshire and the Isle of Wight.	The clerk to the justices for the Winchester petty sessional division.
Heathrow Airport.	The clerk to the justices for the New Spelthorne petty sessional division.
In the non-metropolitan county of Hereford and Worcester the petty sessional divisions of Bromyard, Dore and Bredwardine, Hereford (Borough), Hereford (County), Kington, Ledbury, Leominster and Wigmore and Ross.	The clerk to the justices for the Hereford (Borough) petty sessional division.
The non-metropolitan county of Humberside.	The clerk to the justices for the Kingston upon Hull petty sessional division.
The Kent police area.	The clerk to the justices for the Maidstone petty sessional division.
The non-metropolitan county of Leicestershire.	The clerk to the justices for the Leicester (City) petty sessional division.
The Metropolitan Police District, excluding Heathrow Airport.	The chief clerk at the Marylebone Magistrates' Court
In the non-metropolitan county of North Yorkshire the petty sessional divisions of Claro, Ripon Liberty and Staincliffe but excluding the parishes of Angram, Bilton-in-Ainsty, Hessay, Hutton Wandesley, Knapton, Long Marston, Moormonkton, Nether Poppleton, Rufforth, Tockwith, Upper Poppleton, Wighill and Wilstrop.	The clerk to the justices for the Claro petty sessional division.

Area in which offence was committed (1)	Clerk to whom payment is to be made (2)
In the non-metropolitan county of North Yorkshire the petty sessional divisions of Bulmer East, Bulmer West, Selby and York and within the Claro petty sessional division the parishes listed in the immediately preceding entry in this column of this Schedule.	The clerk to the justices for the York petty sessional division.
The non-metropolitan county of Nottinghamshire.	The clerk to the justices for the Nottingham (City) petty sessional division.
The metropolitan county of South Yorkshire.	The clerk to the justices for the metropolitan district of Sheffield.
In the non-metropolitan county of Suffolk the petty sessional divisions of Orwell and Woodbridge.	The clerk to the justices for the Woodbridge petty sessional division.
In the non-metropolitan county of East Sussex the petty sessional divisions of Battle and Rye and Bexhill.	The clerk to the justices for the Bexhill petty sessional division.
In the metropolitan county of West Yorkshire the metropolitan districts of Bradford, Calderdale and Kirklees.	The clerk to the justices for the Bradford petty sessional division.
In the metropolitan county of West Yorkshire the metropolitan districts of Leeds and Wakefield.	The clerk to the justices for the Leeds petty sessional division.
The non-metropolitan county of Wiltshire, excluding the former borough of Swindon.	The clerk to the justices for the Trowbridge petty sessional division.

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 the Fixed Penalty (Procedure) Regulations 1970 and subsequent amending regulations, which are revoked. They also include amendments made necessary by the coming into operation of the Local Government Act 1972 (c. 70).

SI 1974/476
ISBN 0-11-040476-9

