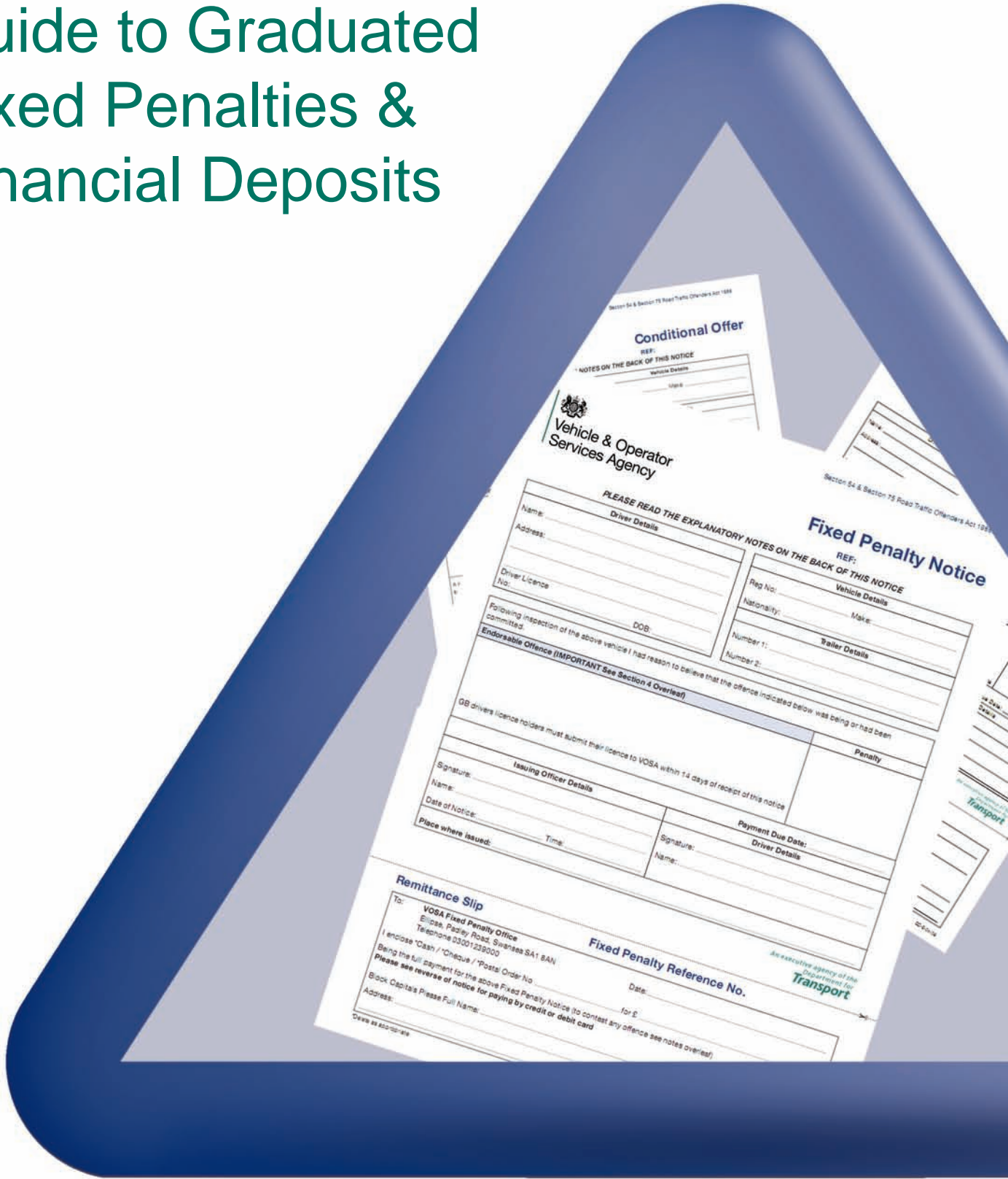




Vehicle & Operator  
Services Agency

# Guide to Graduated Fixed Penalties & Financial Deposits



This guide is available to view electronically, or as a downloadable PDF at:

[www.gov.uk](http://www.gov.uk)

Any enquiries about this guidance should be made to:

VOSA Contact Centre

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or your local VOSA enforcement office (see [www.dft.gov.uk/vosa/contactus](http://www.dft.gov.uk/vosa/contactus) for details)

**Disclaimer**

This publication gives general guidance only and does not provide legal advice. The guidance will be updated to reflect any developments in new legislation or case law but should not be regarded as a complete or authoritative statement of the law.

For details of the law, you should refer to the main legislation listed in the Appendices, and if necessary seek your own legal advice. The guidance offered in this publication reflects VOSA's current enforcement policy. It does not apply to the police or other enforcement agencies.

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# 1 The Graduated Fixed Penalty & Deposit System

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The fixed penalty system for vehicle-related offences has been used by police forces for a number of years. Fixed penalties provide an efficient, proportionate and direct way of dealing with a wide range of road traffic offences. The rights of individuals to challenge alleged offences in court are preserved, but the number of cases brought before the courts is still substantially reduced. Each year over 3 million fixed penalty notices are issued by the police for motoring offences in Great Britain. The system is widely accepted by the motoring public and the Government is satisfied that it is fully compliant with human rights legislation.

The following is an overview of the changes and amendments made to the previous system.

VOSA examiners now have the power to issue fixed penalty notices. The use of fixed penalties by VOSA will be of great benefit as it will simplify the enforcement of offences and save time for all concerned – for VOSA, for the courts and also for those offenders who would be willing to accept a fixed penalty in lieu of prosecution in court (indications show the majority will be likely to do so).

The fixed penalty system before the changes was relatively inflexible: each offence had a single fixed penalty amount, irrespective of the severity of the offence. There is now the ability to graduate the amount of the fixed penalty depending on the circumstances or the severity of the offence. At this time the graduated approach is only being used in the case of offences connected with the operation of commercial vehicles and for breaches of drivers' hours rules and overloading of vehicles.

A significant change is that there is now an effective system for enforcing road traffic law in respect of non-UK offenders and UK offenders with no fixed abode. VOSA (and the police) can issue fixed penalties to non-UK resident and UK resident offenders, regardless of whether the offence is endorsable (i.e. if penalty points are to be endorsed on the driving licence/driving record); and request a financial penalty deposit from any offender who does not have a satisfactory address where they can be found in the UK.

Such deposit payments may be either in respect of a fixed penalty or as a form of surety in respect of a fine where an offence is to be prosecuted in court. Alleged offenders can choose to contest the offence in court if they wish to do so.

Alongside the Graduated Fixed Penalties and Deposits system, VOSA and the police were given the power to immobilise vehicles. This is used to overcome the problem of offenders ignoring a prohibition notice and driving off after VOSA or the police have left the enforcement site, and to deal with offenders who have not yet made, or have refused to make, a requested financial penalty deposit payment.

VOSA will mainly use this system when dealing with commercial goods and passenger carrying vehicles, covering areas such as construction and use (brakes, steering etc) and drivers' hours. An authorised examiner can however deal with any vehicle on the road, and issue fixed penalty notice(s) if appropriate.

Fixed Penalty Notices<sup>1</sup> will attract the penalties shown below:-

- £50 fine, non-endorsable
- £100 fine, non-endorsable
- £200 fine, non-endorsable
- £300 fine, non-endorsable
  
- £100 fine, endorsable, three penalty points
- £200 fine, endorsable, three penalty points

Examiners will exercise their powers to issue graduated fixed penalties and deposit requirements in line with VOSA's published policies, so that sanctions are applied consistently and fairly. An element of discretion will be required in certain circumstances, but this will be exercised in a proportionate and fair manner. Decisions will be proportional to the risks to individuals and to the wider public and to the seriousness of any breach.

Whilst this guidance is not legally binding on VOSA, their authorised examiners and administration teams, these practices will normally be adhered to unless there are persuasive reasons not to do so.

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<sup>1</sup> see sec 10.4 for full details of individual offences and bandings

## **2 Decision to Take Enforcement Action**

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A fixed penalty notice is one of a number of options open to examiners when determining the appropriate course of action.

An examiner will always consider the full circumstances of the situation and of the offence when reaching a decision whether to take no further action, give a verbal warning, issue an offence rectification notice (ORN), issue a prohibition notice (mechanical, weight, drivers' hours, dangerous goods, absence of a foreign vehicles permit), issue a fixed penalty (or, in Scotland, offer a conditional offer) or report for a court summons. Examiners will consider any mitigating or exacerbating factors which may be present and make informed decisions before taking any action.

### 3 Overview of Fixed Penalties

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In England and Wales section 54 of the Road Traffic Offenders Act 1988, as amended (RTOA88)<sup>2</sup> empowers an examiner who has reason to believe that a person is committing, or has on that occasion committed a fixed penalty offence (subject to some restrictions) to issue a fixed penalty notice in respect of the offence.

In England, Wales and Scotland, section 75 RTOA88 empowers an examiner who has reason to believe that a person is committing or has committed a fixed penalty offence, to issue a conditional offer of a fixed penalty for offences detected at the time, should the offender choose to accept it. Initially, VOSA will only issue conditional offers of a fixed penalty for offences detected in Scotland.

Effectively the above two situations achieve the same aim, allowing the alleged offender to pay a fixed penalty rather than being taken to court for a hearing. The alleged offender can still choose to have the alleged offence dealt with by a court.

The use of fixed penalties is applicable irrespective of nationality. A deposit may be required if an alleged offender cannot supply a satisfactory UK address: see section 4.1.

#### 3.1 Graduated penalties

The graduated fixed penalty is proportionate to the severity of the breach or contravention. The main graduated offences cover commercial vehicle drivers' hours and overloading offences.

The penalties are graduated to reflect:

- the length of time that a driver has spent driving, or working over the legal limit;
- the degree of shortfall below what is necessary for a prescribed period of rest;
- the degree of overloading.

The graduated fixed penalties reflect the severity and circumstances of the offending behaviour, and accordingly are therefore more likely to deter the more extreme cases of offending. The level of graduation is set out in the Fixed Penalty Order 2000 (S.I. 2000/2792), as amended by the Fixed Penalty (Amendment) Order 2003 (S.I. 2003/1254), Fixed Penalty (Amendment) Order 2009 (S.I. 2009/488) and the Fixed Penalty

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<sup>2</sup> See appendix for legislation

(Amendment) Order 2013 (S.I. 2013/1569) and is not at the discretion of the VOSA examiners.

Each graduated offence band carries a different financial penalty. The full list of offences and bandings are at Appendix 10.4.

Offences that can be dealt with by fixed penalty but are not graduated will carry a single fixed penalty amount. These are also set out in the Fixed Penalty Order 2000 as amended by the Orders cited above.

### 3.2 Issue of Notices for Multiple Offences

Although there is only one offence detailed on each notice issued, more than one notice can be issued at a time by each examiner. This means a number of offences committed by a driver can therefore be dealt with by the examiner using the fixed penalty process. There is no limit in the legislation on the numbers of fixed penalties that can be issued.

However, it is intended that each VOSA examiner (traffic and vehicle) may issue up to three fixed penalty notices or conditional offers for each inspection they carry out, but this will include **only one notice for an endorsable offence** within the inspection. The table below illustrates the intended combinations.

Offence Type / Combinations per Examiner		Non-endorsable fixed penalty offence notices				
		0	1	2	3	4+
Endorsable fixed penalty offence notices	0	-	FP/CO	FP/CO	FP/CO	Summons
	1	FP/CO	FP/CO	FP/CO	Summons	Summons
	2+	Summons	Summons	Summons	Summons	Summons

**Key:** FP= Fixed Penalty Notice (England & Wales), CO= Conditional Offer (Scotland)

At all times VOSA action will be fair, consistent and proportionate, and require the same standard of evidence before issuing a fixed penalty as is required to issue a court summons.



### 3.3 In summary

If the infringement is serious, dependant on the circumstances, the examiner will consider giving:

- Fixed Penalty –
- Offence Rectification Notice
- Appropriate prohibition
- Report for Summons

If the infringement is minor (e.g. no danger, no other party involved, etc), the examiner will consider giving:

- Verbal warning

The guidance to examiners is different in situations where immediate roadworthiness prohibitions are being applied. Further details are given in section 3.5.

The decision on whether to prosecute or to give a verbal warning will take into account the circumstances prevailing at the time and examiners will consider which action is appropriate in each case. A fixed penalty notice or conditional offer is an alternative to a summons, **not** an alternative to a verbal warning - this is a key factor of the system.

### 3.4 Drivers' Hours Offences

When a fixed penalty notice or conditional offer is issued for an offence, the examiner may also prohibit the driving of the vehicle on a road as well. The prohibition is designed to stop a driver who has exceeded the hours from continuing to drive and to preserve road safety.

Fixed penalties and conditional offers will be issued for drivers' hours offences that are currently being committed by the driver: for example failure to take a break from driving or failure to take sufficient daily rest. The fixed penalty will be the usual penalty for drivers' hours offences except where the maximum number of notices which can be issued on one occasion is reached (as set out in 3.2 above), or where the offence is so serious that a fixed penalty is not suitable.

Where more than one of the same type of a less serious offence has been detected, VOSA will take a pragmatic approach and normally will issue only one fixed penalty or conditional offer. For example, if a driver's produced charts reveal a number of centrefield offences, technically there are a number of offences (one per chart), but VOSA would generally issue only one fixed penalty notice. If it becomes apparent that multiple breaches of relatively minor offences are systematic or wilful then VOSA may take further

action against the driver and/or the operator with a view to referring the matter for consideration of disciplinary action by the Traffic Commissioners.

The drivers' hours offence penalty graduations reflect the seriousness and circumstances of the offence - how far the driver has exceeded the limits or failed to satisfy the requirements of the legislation e.g. the amount of rest time the driver has failed to take when required, or the amount of time spent driving in excess of the limits e.g:

**EXCEED DRIVING DAILY**

EXCEED 4.5HRS DRIVING CONTRARY TO ARTICLE 7 REG EC561/2006

<b>Severity – time driving beyond the limit</b>	<b>Endorsable</b>	<b>FP amount</b>
0 up to, but not including 1 hour	No	£100.00
1 hour up to, but not including - 2 hours	No	£200.00
2 hours and over	No	£300.00

The legislation shows the first hour as a £100 penalty, but VOSA examiners will generally allow a 15 minute tolerance before notice issue. If, however a driver repeatedly 'makes use' of this 15 minutes then the examiner may still take action.

The definitive device for recording drivers' hours under EC or AETR is the tachograph, whether analogue or digital. A driver is required to comply with the regulations using the specified recording equipment. Subject to any statutory requirements or manipulation of the data (such as suspected tampering), examiners will take the information recorded by the tachograph and base their compliance checks on those records. Where appropriate, reference may also be made to other documents available, for example time sheets and delivery documents.

### 3.5 Roadworthiness Offences

When a fixed penalty notice or conditional offer is issued for a construction and use offence, the examiner may also prohibit the driving of the vehicle on a road. The prohibition is designed to stop an un-roadworthy vehicle from being used on the road and to preserve road safety.

Careful consideration has always been given to the culpability of the driver in respect of vehicle defects and in the main this will be the primary consideration in the issuing of a fixed penalty notice for roadworthiness offences. However, regarding immediate

roadworthiness prohibitions, (one where no use of the vehicle is permitted until the defect is remedied) where there is a current or very imminent risk to road safety the following guidance will be followed:

➤ **Immediate prohibitions involving a vehicle used by a GB Operator.**

- a fixed penalty notice or conditional offer may be issued for the offence where the examiner determines the defect is serious and indicative of a significant breakdown of maintenance procedures (known as an “S” marked prohibition, as detailed in Chapter 16 of VOSA Operations Manual, when related to licensed Operators)

**if**

- the examiner considers that the defect would have been apparent to the driver on conducting their daily walk round inspection e.g. a tyre defect, (a driver’s walk round inspection is deemed to be a component part of an acceptable maintenance procedure)

**or**

- the examiner considers that the defect would have been apparent during the driver’s use of the vehicle (for example a steering defect).

The examiner will take into account whether the defect is likely to have first occurred on the journey currently being undertaken and whether the driver could not have been aware of it, in which case the immediate prohibition issued would not be ‘S’ marked and it follows that a fixed penalty notice would not be issued.

In situations where the significant defect is determined to be related to poor general maintenance, the operator will be visited, maintenance systems checked and the matter may be reported to the Traffic Commissioner and / or they may be prosecuted.

➤ **Immediate prohibitions involving a vehicle used by a Foreign or NI operator.**

Given that Traffic Commissioner-imposed sanctions will not be available in the case of a non-GB registered vehicle, a fixed penalty notice or conditional offer may be issued for the offence where:

- An immediate prohibition is issued relating to a defect which is likely to have a current or very imminent risk to road safety.

Fixed penalties for certain roadworthiness matters require mandatory endorsement of the driving licence (with penalty points). These are the only offences which VOSA will be dealing with which carry mandatory endorsement of the driving licence.

To be eligible for the offer of a fixed penalty involving an endorsable offence the driver must have fewer points than that which could result in mandatory disqualification. If this threshold would be met, the matter must go before a court. At the time of writing the maximum number of points allowed on a driving licence before disqualification becomes mandatory is 12 penalty points, or 6 penalty points if the offender is a new driver under the Road Traffic (New Drivers) Act 1995. Fixed penalty notices and conditional offers relating to offences carrying obligatory endorsement of the driving licence will be issued to both UK and non-UK based drivers irrespective of whether the driver has a UK licence or not.

### 3.6 Excess Weight Offences

When a fixed penalty notice or conditional offer is issued for an excess weight offence, the examiner will also prohibit the driving of the vehicle on a road. The prohibition is designed to stop an overweight vehicle from being used on the road and to preserve road safety.

The fixed penalty will be the preferred option for dealing with excess weight offences, unless the offence is too serious to warrant the issue of a fixed penalty or the maximum number of notices (as explained in section 3. 2) would otherwise be exceeded. Below is a table showing the current graduated penalty levels for excess weight matters:

#### EXCEED WEIGHT

Severity	Endorsable	FP amount
0 up to but not including 10%	No	£100.00
10% up to but not including 15%	No	£200.00
15% and over	No	£300.00

The legislation shows that a £100 penalty will be levied for a 0%-9.99% overload, but VOSA examiners will allow a 5% tolerance before Fixed Penalty or Prohibition issue unless the relevant weight has been exceeded by 1 tonne or more. It is likely that a fixed penalty would be inappropriate for serious cases of overloading (i.e. in which the vehicle is overloaded by 30% and over, or the excess weight is 5 tonnes or more) and therefore a court summons would be issued.

If the effect of the excess weight and the manner in which the load is carried is having a significant effect on road safety, for example causing serious instability or loss of directional control, alternative construction and use or road traffic offences that will need to go to court may be appropriate, with the excess weight contributing to the offence.

## 4 Overview of Financial Penalty Deposit Notices

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The concept of deposits is to enable the police and VOSA - for the first time - to be able to deal effectively with vehicle-related offences committed by offenders who do not have a satisfactory address in the UK. The requirement to pay a deposit will not apply to the vast majority of UK residents, since they will generally have a fixed address at which either the police or VOSA would be able to find them whenever necessary to do so in connection with the fixed penalty, conditional offer (in Scotland) or criminal proceedings.

In practice, where a deposit has been paid in respect of a fixed penalty or conditional offer and an offender takes no further action during the subsequent 28 day period in which they are entitled to elect for the matter to proceed to trial, the deposit will be credited as payment of the fixed penalty.

Where a deposit has been paid and the matter proceeds to court (whether at the request of the offender or of the prosecuting authority), the deposit will be 'held over' until the conclusion of the proceedings and put towards any fine imposed by the court or refunded if necessary.

The police and VOSA examiners will have the power to prohibit a vehicle from being driven and to immobilise it in any case where a person who is requested to pay a financial penalty does not do so immediately.

These provisions will apply initially only in England and Wales with no deposit payments being taken in Scotland

### 4.1 Fixed Penalty Deposit Requirement Notice

Where it is appropriate to offer a fixed penalty or conditional offer, but the driver is unable to provide a satisfactory address within the UK, a Fixed Penalty Deposit Requirement Notice will be issued. The driver is required to pay the deposit immediately. The deposit amount is equal to the total amount of the fixed penalties / conditional offers issued.

If the driver does not pay the deposit immediately, the examiner will prohibit the driving of the vehicle.

The prohibition will be removed when:

- the total deposit shown on the notices is paid in full; or
- the fixed penalty / conditional offer is accepted and paid in full; or
- the driver is convicted or acquitted by the court; or
- the driver is informed that none of the offences shown on the notice are to be proceeded with; or
- the prosecution period has ended (6 months for summary only offences) and no prosecution has been brought in relation to these offences.

The driver may be also issued with a direction notice (as for any other prohibition) requiring them to move the vehicle to a designated place.

VOSA examiners also have the power to immobilise the vehicle until the financial penalty deposit is paid. If no payment is made, they may remove the vehicle, or direct it to be removed, to secure storage until the notice amount has been paid in full, along with the costs of releasing the immobilisation device and of removal and storage of the vehicle. If, after a period of 3 months, no attempt has been made to remove the prohibitions that led to the confiscation of the vehicle, the vehicle may be disposed of, and the proceeds of the disposal used to offset the accrued charges.

## 4.2 Court Financial Penalty Deposit Requirement Notice

If the nature or manner in which the offences committed are considered too severe in nature, or too numerous for the offer of a fixed penalty (as explained in section 3.2 above), the offender will be handed a notice of intended prosecution and notified of the relevant amount of financial penalty deposit on the Court Financial Penalty Deposit Requirement Notice . The level of the financial deposit is set out in legislation<sup>3</sup> reflects the number of offences under consideration as shown in the table below.

Deposit to be paid	Number of offences		
	1	2	3+
Amount*	£500	£1000	£1500

\*Note: The amount is calculated solely on the number of offences and **not** the severity of the offences (unlike financial penalty deposits issued in respect of a fixed penalty or conditional offer). There is an upper limit of £1500 which can be required on any single occasion.

<sup>3</sup> Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2013

There is no upper limit to the number of offences that can be shown on the notice.

If the court finds the driver guilty, the money will be used to pay any fine, or put towards the payment of any fine ordered. If the court finds the driver not guilty, or if any fine is lower than the deposit amount paid, or guilty but no fine imposed, the appropriate amount will be refunded with interest. The interest is set out in the legislation<sup>4</sup> as being the Bank of England Base Rate on the beginning of the day on which the payment was made.

If the court penalty is higher than the deposit taken, the offender will be required to pay the outstanding amount of the fine to the court in the normal manner.

If the deposit is not paid immediately, the Court Financial Deposit Notice will contain a prohibition on driving the vehicle on a road. The prohibition will no longer apply when:

- the total amount of deposit shown on the notice is paid in full; or
- the driver is convicted or acquitted by the court; or
- the driver is informed that he is not to be prosecuted for the offences shown on the notice ; or
- the prosecution period has ended (6 months for summary only offences) and no prosecution has been brought.

The driver may be given a direction notice (as for any other prohibition) requiring the driver to move the vehicle to a designated place.

VOSA examiners also have the power to immobilise the vehicle until the deposit is paid. If no payment is received, they may have the vehicle removed to secure storage until the notice amount is paid in full, along with the costs of releasing the immobilisation device and of removal and storage of the vehicle.

After a Court Financial Penalty Deposit Requirement Notice is issued, a prosecution case will be compiled by VOSA. The court summons will be sent by first class post to the driver's home address (as given to the examiner) and will be written in the driver's preferred language. Initially, VOSA will only issue a Court Financial Penalty Deposit Requirement Notice if the vehicle is stopped in England and Wales. No action in this respect will be taken in Scotland.

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<sup>4</sup> The Road Safety (Financial Penalty Deposit) (Interest) Order 2009

## 5 Procedure following the issue of a Fixed Penalty Notice or Conditional Offer

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Once the decision to issue a fixed penalty / conditional offer has been made, the examiner(s) will issue to the alleged offender the appropriate notice(s) detailing the offence(s) alleged to have been committed.

This section sets out the procedure which applies after a fixed penalty notice or conditional offer has been issued, and gives details of the options a recipient may take, and the consequences of taking no action.

These options are available to all recipients of a fixed penalty notice or conditional offer, whether or not they have also been required to pay a deposit.

Some of the options and requirements are the same for all notices and these will be detailed first. Requirements and options for particular circumstances will follow this section with references where appropriate.

The following sections will refer to a single notice as even where more than one was issued action must be taken for each notice, even if those actions are all the same.

**Recipients are to be advised to take independent legal advice if they are in any doubt about what to do in response to a fixed penalty notice or conditional offer.**

### 5.1 Procedure for non-endorsable Fixed Penalty Offences

**This section applies where no financial penalty deposit requirement has been imposed.**

#### 5.1.1 Fixed Penalty Notices – England and Wales

(For endorsable offences also see sec 5.2 regarding endorsement of the driving licence.)

On receipt of a Fixed Penalty Notice a person has **28 days** to:

- pay the amount shown if they accept the offence;
- or**
- ask in writing for the matter to be dealt with by a court hearing so that they can contest the offence.



If more than one notice was issued at the same time a **different** decision can be made about each offence; the same course of action does not have to be taken in relation to all of them.

**If the person receiving the notice takes no action within 28 days, VOSA will register the penalty amount with the court local to the driver's address as an unpaid fine. The court will automatically add a 50% levy to the unpaid fine and any future process on the matter will be between the alleged offender and the court.**

### 5.1.2 Conditional Offer – Scotland

(For endorsable offences also see sec 5.2 regarding endorsement of the driving licence.)

There are two options:

- If the offence shown on the offer is accepted, they have **28 days** to pay the amount shown as a fixed penalty and the matter is concluded
- or**
- If they do not accept the offer, then they may take no action in respect of the conditional offer. The matter will be passed to the Procurator Fiscal for consideration of court action. If court action is started, the person may then contest the offence.

If more than one notice was issued at the same time a **different** decision can be made about each offence; the same course of action does not have to be taken in relation to all of them.

### 5.1.3 Paying the Fixed Penalty Notice or Conditional Offer

(For details of payments of financial penalty deposits, see section 5.3.1)

There are only two ways to pay:

- by post;
- or**
- by telephone;

to the VOSA Contact Centre as shown on the remittance slip on each notice.

Fixed Penalty Notices and Conditional Offers **cannot** be paid in person at any VOSA office nor directly to the examiner.

## Postal Payments

Payment can be made in:

- cash\*(notes only); or
- cheque\*\*; or
- postal order; or
- a combination of any three (e.g. cheque and postal order: two cheques).

\* Please be aware that VOSA cannot accept responsibility for any cash sent in the post that does not arrive. If cash must be sent it is advisable to consult the Post Office guidelines on posting cash. Information can be obtained via the Post Office web site, help line number or at any post office.

\*\*Cheques must not be post dated, they **will** be returned if the payment cannot be taken within the specified time period.

The payment must be:

- in pounds sterling (Euros are not acceptable)

**and**

- must reach VOSA **within 28 days** of the notice issue date.

(Those sending payment should allow sufficient time for delivery, especially at peak periods.)

VOSA will not be responsible for any payments lost before they arrive at the Contact Centre. Proof of posting will not suffice as proof of payment. Unless the full amount due arrives the notice will be deemed unpaid and further action will be taken.

On the lower **front** of the notice is a Remittance Slip (as shown below). All sections of the slip should be completed in block capitals. VOSA may reject payments if the details are unclear. The details required are:

- payment date
- appropriate payment method is shown (cross out those that do not apply)
  - postal orders enter the order number.
- amount of payment (must be the same as the notice amount)
- full name
- date of birth
- address
- post code

<b>Remittance Slip : 123456789012</b>		
<b>To:</b> VOSA, Ellipse, Padley Road, Swansea, SA1 8AN	<b>Tel:</b> 03001239000	<b>Date:</b> .....
I enclose Cash/Cheque/Postal Order No.....for £..... Being the full payment for the above Fixed Penalty Notice / Conditional Offer (to contest an offence see explanatory notes overleaf)		
<b>Name:</b> .....	<b>Date of Birth:</b> .....	
<b>Address:</b> ..... .....		
<b>Please see reverse of notice for credit / debit payment details .</b>		

**Please note: If the notice is being paid, Part 2 on the reverse should be left blank.**

If more than one notice is being paid at the same time:

- the remittance slip for each notice must be fully completed as detailed above
- one single cheque or postal order may be used to pay the total amount.

If required, one or more notices may be paid using more than one method of payment, for example a cheque and a postal order together may be used to cover the total amount due. The total of all the payments must match the total of the payments due shown on the notices unless one or more alleged offences are being contested, in which case the offences to which the payment relates should be clearly indicated (see further section 5.1.4 below).

The completed remittance slips should be sent with the payments (but not stapled together) in a sealed, stamped envelope and sent to the Swansea address shown on the remittance slip. Payments sent to any other address (including VOSA offices) may be returned, or, if forwarded on, may arrive too late at the Swansea office for the payment to be accepted.

Envelopes sent without postage paid or with an insufficient amount of postage paid will not be accepted by VOSA and the Post Office will be asked to return them to the sender according to their normal procedures. If the returned letter is re-sent but arrives after the 28 day period, this will still be regarded as late payment and cannot be accepted.

### **Telephone Payments**

The VOSA Contact Centre can accept telephone payment of notices by major UK credit and debit cards. Their telephone number is shown next to the postal address on the

remittance slip. Payment using more than one card is acceptable. Accepted cards include: Visa, MasterCard, Switch, Delta, Maestro and Cirrus.

The telephone operator will need to check the number of all notices being paid. Payment will be subject to immediate authorisation with the issuer. If the card is declined by the issuer, the payment will not be accepted and the notice will remain unpaid until an alternative form of payment is made.

The telephone cannot be used to inform VOSA that a postal payment has been sent in order to avoid it being deemed late. The payment date is the actual date the postal payment arrives or the telephone payment is accepted at the Contact Centre.

### 5.1.4 Requesting a Court Hearing – England and Wales

If the recipient does not wish to accept the notice in relation to an offence the recipient may ask in writing for the matter to be dealt with at court. To do this, Part 2 (on the reverse) of the fixed penalty notice may be completed and posted to the address shown.

All sections should be completed in block capitals:

- full notice reference number (top right on front)
- full name
- date of birth
- address
- post code
- signed
- date of signing

<b>PART 2</b>
To: VOSA, Ellipse, Padley Road, Swansea, SA1 8AN    Tel: 03001239000
I wish to be dealt with by a court for the offence detailed in Fixed Penalty Reference No:..... (To pay the notice use other side, see explanatory notes above)
<b>Block Capitals Please</b>
Full Name:.....Date of Birth:...../...../.....
Address:..... .....Post Code:.....
Signed:..... Date:...../...../.....

**Please Note:** If the person wishes the matter to go before the court, the remittance slip need not be completed and no payment need be made.

Part 2 must be completed and returned to VOSA within **28 days** of the date the notice was issued. If the request is not received within the 28 days and no payment has been received, the matter will be taken further (see section 5.1.1).

### 5.1.5 Lost or defaced notices

It is important that care is taken of any notices issued by VOSA examiners – they are legal documents.

If a notice is lost or defaced then a duplicate can be requested by telephoning the Contact Centre. The centre team will need to know full details of the person the notice was issued to, date and time (approximately) and ideally the registration number of the vehicle being driven at the time. They should then be able to locate the details of the notice issued. If there were any other notices (not just fixed penalty) that were issued at the same time having them ready will help the search.

Loss or damage of a notice is not an acceptable reason to extend the payment period beyond any of the time limits. All time limits will run from the issue date of the original notice. Duplicates will have the same issue date on them as the original.

If the fixed penalty is accepted, the amount may be paid by credit or debit card (see section 5.1.3) at the same time as arranging for the duplicate notice to be sent to the original recipient.

If the offence is to be contested or legal advice is to be sought, the centre staff will arrange for a duplicate of the notice to be sent to the original recipient.

### 5.1.6 Failure to respond within 28 Days

#### England and Wales

If the fixed penalty is not paid within 28 days, and no court hearing is requested, the penalty will be **registered with the courts as an unpaid fine**. This will incur a statutory 50% increase in the amount of penalty due to the court. For example, a notice showing a payment of £50 will be increased to £75.

Once the notice has been registered with the courts as an unpaid fine, the option to elect a court hearing or to pay the fixed penalty amount is no longer available and the court will take the normal steps in the recovery of an unpaid fine.

## Scotland

If a conditional offer is issued in Scotland but not paid within 28 days, a file will be submitted to the Procurator Fiscal to consider instigating proceedings in court for the offence. Once the matter has been referred the option to pay the fixed penalty is no longer available.

## 5.2 Procedure for Endorsable Fixed Penalty Offences

**This section applies where no financial penalty deposit requirement has been imposed.**

The information in section 5.1 about paying the penalty or requesting a court hearing also applies for endorsable offences and the same time limits apply, but VOSA must also check the driving licence to ensure that accrued points, including those for the fixed penalty being issued, will not reach or exceed the threshold at which disqualification is mandatory.

### 5.2.1 Driving Records at DVLA – GB and Non-GB issued licences

The Driver and Vehicle Licensing Agency (DVLA) is the GB authority for the issue of driving licences. For a GB resident this is a two part document:

- photocard licence (complying with EC regulations);
- and**
- counterpart (where endorsements are recorded, amongst other information).<sup>5</sup>

DVLA maintains a register of driving licences issued and of any endorsements associated with them. VOSA examiners have access to some of this information allowing them to check the categories of vehicle the licence entitles the holder to drive and any endorsements (penalty points) already on the licence.

DVLA also holds a computer-based driving record for non-GB licences in lieu of a GB counterpart licence. Penalty points are recorded on the driving record of an unlicensed or foreign offender. This enables fixed penalties for endorsable offences to be issued to those who do not hold a licence or who have a non-GB licence (“unlicensed or foreign alleged offenders”), because the vehicle examiner will be able to assess whether the person would be disqualified from driving in GB by reason of the accumulation of penalty points on their driving record. This means that unlicensed and foreign alleged offenders

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<sup>5</sup> Full details of a UK licence and counterpart can be found in DVLA leaflet INS57P available from the website [www.gov.uk](http://www.gov.uk), at DVLA Local offices, by telephone to DVLA.

can be treated in exactly the same way as regards these matters as licence-holders who have a GB issued counterpart.

VOSA examiners will be able to access the DVLA records for non-GB licence holders to find out how many penalty points they already have.

### 5.2.2 Driving Licence Produced at Roadside

Where the offence is endorsable and the driver holds a GB licence, the examiner can only offer the fixed penalty if:

- the licence and its counterpart are produced at the time; and
- any current endorsements will not render the holder liable for disqualification; and
- the licence and counterpart are both surrendered to be endorsed with penalty points.

The licence and counterpart will be retained by the examiner who will issue the driver with a receipt for the licence. This receipt also acts as a temporary driving licence until the actual licence is returned.

### 5.2.3 Driving Licence NOT Produced at Roadside

If the full licence (i.e. licence and counterpart) is not available at the time, the examiner will still issue a fixed penalty, but it will be considered provisional. It cannot become a full offer of a fixed penalty until:

- the licence and counterpart is produced
- and**
- the accrued points check is made and shows that mandatory disqualification does not apply.

The issue of the provisional notice places a statutory requirement on the driver to produce his driver licence **and** counterpart within 14 days from the notice issue date by sending it to VOSA at the address shown on the notice.

**The driver must produce both the photocard and the counterpart even if he intends to request a court hearing or allow the matter to go to the procurator fiscal.**

When VOSA receives the licence, the endorsements will be checked. If the penalty points required as part of the fixed penalty can be added without the mandatory disqualification threshold being reached, the provisional offer is confirmed as a full fixed penalty. The driver must then decide if they wish to accept and pay the penalty or if they wish to contest

the offence and request a court hearing (see section 5.1 above for further details). **Note:** If the driving licence does not show the holder's current name and address, the appropriate sections of the licence should be completed and signed before being surrendered for endorsement.

#### 5.2.4 Return of Driving Licence

If the penalty is accepted and paid within 28 days, the licence and counterpart will be returned, endorsed with the required number of penalty points:

- to the address shown on it
- or
- to DVLA if the holder has moved address or changed name, and filled in the necessary parts of the licence to show this.

In England and Wales, if the driver asks for the matter to be heard by a court, the licence will be returned to the holder with no endorsement added. If the matter does go before the court, the licence and counterpart will then need to be surrendered to the court.

#### 5.2.5 Failure to surrender the driving licence or to pay the penalty amount

##### England and Wales

If the licence is not produced within the 14 day period the matter will be placed before the court.

If the licence is produced within the time period and the provisional offer becomes a full offer, but the penalty is not paid within 28 days:

- the licence will be endorsed and returned, **and**
- The notice will be registered as an unpaid fine with the court and the amount increases by 50%

##### Scotland

If the licence is not produced within the 14 day period the matter will be passed to the procurator fiscal for consideration of further action.

If the licence is produced within the time period and the notice is confirmed, but there is a failure to pay within 28 days the matter will pass to the procurator fiscal for consideration of further action.



## 5.3 Paying a Financial Penalty Deposit

This will only be required when a driver has not been able to provide a satisfactory UK address.

The deposit required will be shown on the front of the notice.

If the deposit is for a fixed penalty notice or conditional offer, the driver can still choose whether to accept the penalty or to request a court hearing as detailed above.

The deposit notices also state that driving of the vehicle will be prohibited until the deposit is paid. VOSA and their agents may also immobilise the vehicle and have it removed to storage if required. As soon as the full deposit amount is paid the prohibition is removed, so payment will allow use on the road to continue (provided that any other prohibition notices issued at the same time are also removed and any fees for release of the immobilisation device and for removal and storage of the vehicle are paid).

### 5.3.1 Payment methods

The deposit amount must be paid in full. Part payments cannot be accepted. Payment can be made:

- directly to the VOSA examiners at the roadside
- or**
- to the VOSA Contact Centre

The following payment options are available at the roadside:

- To the examiner present:
  - in cash – £ sterling notes only, no coins. (Euros are not acceptable).
  - by accepted credit or debit card – maximum of two cards per payment
  - as a mixture of cash and one credit or debit card
- By telephoning the VOSA Contact Centre (for details of opening times, see section 8):
  - by credit or debit card - more than two cards can be used for each payment.

#### Later Payment

The vehicle will be prohibited from being driven and may be immobilised until the deposit is paid in full.

Once examiner(s) have left the vehicle location, payment can only be made by:

- Telephoning the Contact Centre (for details of opening times, see section 8):  
by accepted credit and debit cards - more than two cards may be used per payment.

### **5.3.2 After the Deposit has been paid – Fixed Penalty Notice or Conditional Offer**

Once the penalty is paid, if the driver wishes to accept the penalty (and if, in the case of an endorsable offence, the driving licence requirements have been complied with -see section 5.2), then they need do nothing further. The deposit amount equals the fixed penalty amount and 28 days after the notice issue date the deposit payment will be automatically allocated to pay the fixed penalty.

If the driver wishes to contest the penalty, they must request a court hearing within 28 days in the same way as if no deposit had been paid (see section 5.1 above for further details).

## 6 Complaints

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It is VOSA policy to investigate any allegation of unjust or improper action by their staff. Anyone issued with a fixed penalty who feels that this was wrong may make a complaint. However, the terms and conditions of the fixed penalty will still apply. These are clearly stated on the front and reverse of the notices. Where it becomes apparent that a fixed penalty was issued in error, the fixed penalty will be cancelled.

There is no legal obligation for VOSA to offer a complaints process when a person wishes to dispute a fixed penalty notice. The following is a non-statutory process developed by VOSA to deal with specific issues relating to notices issued. It is put in place to allow appropriate matters to be resolved without a court hearing and before the penalty is paid.

**If anyone is in any doubt over the correct course of action to take, they are advised to take independent legal advice on the matter.**

### 6.1 Making a complaint

A complaint may be made by anyone who receives a fixed penalty notice, conditional offer or a deposit requirement and is dissatisfied with the way in which the notice was issued, or has reason to doubt that the offence listed justified issue of a fixed penalty notice (e.g. disagrees with the examiner's analysis of the driver's hours).

Before submitting a complaint form it may be helpful to check the standards the examiner applied. The information in the appendices to this guide gives details of the relevant offences and, where appropriate, the graduated penalty bandings. Information on mechanical standards can be found in the published document: Categorisation of Defects (available on the VOSA website, or from the VOSA Contact Centre).

If the complaint is about the imposition of a prohibition, the complaint form should state whether or not a fixed penalty was issued for the offence which prompted the prohibition. In the event of that a complaint against a roadworthiness prohibition is upheld, it is likely that the cancellation of an associated FP would follow. For further information contact your local enforcement office or the VOSA Contact Centre.

Complaints should be made on a complaint form available at [www.vosa.gov.uk](http://www.vosa.gov.uk) or by calling the VOSA Contact Centre on 0300 123 9000, and should be sent to VOSA FPO, Ellipse, Padley Road, SA1 8AN or emailed to [enquiries@vosa.gov.uk](mailto:enquiries@vosa.gov.uk) ,

The completed complaint form must be received within **10 days** of the issue date of the notice. It will only be accepted after this time in exceptional circumstances.

On receipt of a complaint, the date of receipt will be recorded and an acknowledgement sent. The matter will be investigated and written notification of the outcome of any investigation will be sent to the driver within 15 days of receipt of the complaint form.

If a driver is dissatisfied with the outcome of their complaint they are still entitled to ask for the matter to be heard by a court rather than accepting and paying the penalty.

Please note that making a complaint does affect the statutory 28 days within which either a request for a court hearing or a payment must be made.

## 7 Driver Offence Record

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VOSA will maintain information on all offences whether they have attracted a court conviction or been dealt with by way of fixed penalty, for the purposes of monitoring repeated and/or serious cases of offending. Drivers with vocational driving licences may be referred to Traffic Commissioners, if it is deemed that the level or nature of offending require consideration of disciplinary action.

## 8 VOSA Contact Centre

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The VOSA Contact Centre is based in Swansea and it is here that calls to the national number are handled. The telephone number is 0300 123 9000.

At this time the telephones are manned:

- Monday to Friday: 7.30am to 6.00pm
- Saturdays: 7.30am to 3.00pm
- Sundays: Closed

They deal with a range of enquiries covering lorry and bus test bookings, MOT appeals, smoky vehicle reports, confidential information for the intelligence unit and are the starting point for any enquiry about VOSA and its activities.

The Contact Centre will also act as the fixed penalty administration unit for fixed penalty, conditional offer and deposit notices and they will be able to:

- handle payments for fixed penalty, conditional offer and deposit notices,
- deal with requests for court hearing,
- answer questions concerning the options available having received a notice.

### 8.1 General Questions

The Contact Centre team can explain the options open to a driver who has received a notice and the outcomes for each of the options. They cannot answer questions specific to an individual notice, such as 'why the offence shown was considered to be an offence by the examiner'. Questions of this nature must be directed to the local enforcement office – the Contact Centre can give you the address and telephone number or possibly transfer your call to the area office.

**If you are in any doubt over the correct course of action to take, you are advised to take independent legal advice on the matter.**

## 9 Information for Operators

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### 9.1 Vehicle Operator Notification Letter

The person or company that the driver stated is operating the vehicle at the time, or is otherwise believed to have been the owner or operator on making enquiries, will be sent an Operator Notification Letter (See example in sec 10.3). This applies only where the vehicle was operated by a GB Operator.

#### 9.1.1 Notifying Traffic Commissioner When Required

The main purpose of the letter is to allow entities holding an operator's licence by virtue of the Public Passenger Vehicles Act 1981 and / or the Goods Vehicle (Licensing of Operators) Act 1995 (as amended by Road Safety Act 2006), to be able to fulfil their obligations under the legislation that they may be required to inform the relevant Traffic Commissioner of notifiable fixed penalties issued to their employee, servant or agent.

This is very important. Not notifying the Traffic Commissioner when required is a breach of the licence conditions and could result in a public inquiry regarding fitness to hold a licence.

### 9.2 Operators and Fixed Penalty Notices

Operators will **not** receive fixed penalty notices (unless they are also the driver and the operator entity is sole trader or partnership). However, infringements which are considered to have been contributed to by omission on the part of the operator (and/or user of the vehicle or employer of the driver) may trigger further enforcement action, depending on the nature and circumstances of the case. A prosecution may be brought, and where the breaches involve the holder of an operator's licence, those matters will be reported to the Traffic Commissioner for disciplinary action to be considered.

### 9.3 Operator Compliance Risk Scoring (OCRS)

OCRS is a mechanism used to calculate the likelihood of an operator being non-compliant. OCRS is not a rating system, it is to inform VOSA examiners of the probability of an operator being compliant or not. OCRS is to ensure effective targeting is carried out to stop the non-compliant operators and reduce the number of occasions compliant operators are subject to stops and full inspections.

When a person is issued with a fixed penalty notice, in the same way as being convicted at court, the operator of the vehicle at the time may also be liable for an offence. This

issue of the notice will therefore be used as part of the operator's compliance risk score. Operators who hold a licence issued by the Traffic Commissioner for their area may also need to report to the Commissioner that a driver has received a fixed penalty notice. An operator may be called to a Public Inquiry as a direct result of the number and type of fixed penalty notices issued to their drivers, exactly the same if the offences went before the court.

## 10 Appendices

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### 10.1 Satisfactory Address

A satisfactory address is an address in the United Kingdom at which a constable or an examiner considers it likely that it would be possible for a person to be found whenever necessary to do so in connection with the legal process. VOSA will in the first instance seek to establish a UK address via the address held by DVLA on the driving licence record, but examiners will consider other supporting evidence where available. Generally though, B&B, hotel, agency and solicitor addresses are not acceptable.

VOSA examiners will be encouraged to take a pragmatic approach to this topic, supported by the fact that in the past there has been a low incidence of misleading information being given.

### 10.2 Legislation

Road Traffic Offenders Act 1988

Road Traffic Act 1988

Road Safety Act 2006

#### Relevant Secondary Legislation

The Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009

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

The Road Safety (Financial Penalty Deposit) Order 2009

The Road Safety (Financial Penalty Deposit) (Interest) Order 2009

The Fixed Penalty (Procedure) (Vehicle Examiners) Regulations 2009

The Fixed Penalty Offences Order 2009

The Fixed Penalty Order 2000, as amended by the Fixed Penalty (Amendment) Order 2009



## 10.3 Notices and Forms

### Sample Fixed Penalty Notice

Section 54 & Section 75 Road Traffic Offenders Act 1988		 Vehicle & Operator Services Agency													
<h2 style="margin: 0;">Fixed Penalty Notice</h2> <p style="margin: 5px 0;"><b>REF:</b> _____</p> <p style="margin: 5px 0;"><i>PLEASE READ THE EXPLANATORY NOTES ON THE BACK OF THIS NOTICE</i></p>															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><th style="text-align: center;">Driver Details</th></tr> <tr><td>Name: _____</td></tr> <tr><td>Address: _____</td></tr> <tr><td>_____</td></tr> <tr><td>_____</td></tr> <tr><td>Driver Licence No: _____ DOB: _____</td></tr> </table>	Driver Details	Name: _____	Address: _____	_____	_____	Driver Licence No: _____ DOB: _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><th style="text-align: center;">Vehicle Details</th></tr> <tr><td>Reg No: _____ Make: _____</td></tr> <tr><td>Nationality: _____</td></tr> <tr><th style="text-align: center;">Trailer Details</th></tr> <tr><td>Number 1: _____</td></tr> <tr><td>Number 2: _____</td></tr> </table>	Vehicle Details	Reg No: _____ Make: _____	Nationality: _____	Trailer Details	Number 1: _____	Number 2: _____		
Driver Details															
Name: _____															
Address: _____															
_____															
_____															
Driver Licence No: _____ DOB: _____															
Vehicle Details															
Reg No: _____ Make: _____															
Nationality: _____															
Trailer Details															
Number 1: _____															
Number 2: _____															
Following inspection of the above vehicle I had reason to believe that the offence indicated below was being or had been committed.															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Endorsable Offence (IMPORTANT See Section 4 Overleaf)</th> <th style="text-align: left;">Penalty</th> </tr> <tr> <td style="height: 100px; vertical-align: top;">                     GB drivers licence holders must submit their licence to VOSA within 14 days of receipt of this notice                 </td> <td></td> </tr> </table>		Endorsable Offence (IMPORTANT See Section 4 Overleaf)	Penalty	GB drivers licence holders must submit their licence to VOSA within 14 days of receipt of this notice											
Endorsable Offence (IMPORTANT See Section 4 Overleaf)	Penalty														
GB drivers licence holders must submit their licence to VOSA within 14 days of receipt of this notice															
Payment Due Date: _____															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><th style="text-align: center;">Issuing Officer Details</th></tr> <tr><td>Signature: _____</td></tr> <tr><td>Name: _____</td></tr> <tr><td>Date of Notice: _____ Time: _____</td></tr> </table>	Issuing Officer Details	Signature: _____	Name: _____	Date of Notice: _____ Time: _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><th style="text-align: center;">Driver Details</th></tr> <tr><td>Signature: _____</td></tr> <tr><td>Name: _____</td></tr> </table>	Driver Details	Signature: _____	Name: _____							
Issuing Officer Details															
Signature: _____															
Name: _____															
Date of Notice: _____ Time: _____															
Driver Details															
Signature: _____															
Name: _____															
Place where issued: _____															
An executive agency of the Department for <b>Transport</b>															
<h3>Remittance Slip</h3>		<h3>Fixed Penalty Reference No.</h3>													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">                     To: <b>VOSA Fixed Penalty Office</b>                      Ellipse, Padley Road, Swansea SA1 8AN                      Telephone 03001239000                 </td> <td style="width: 40%;">                     Date: _____                 </td> </tr> <tr> <td colspan="2">                     I enclose *Cash / *Cheque / *Postal Order No _____ for £ _____                 </td> </tr> <tr> <td colspan="2">                     Being the full payment for the above Fixed Penalty Notice (to contest any offence see notes overleaf)                      Please see reverse of notice for paying by credit or debit card                 </td> </tr> <tr> <td colspan="2">                     Block Capitals Please Full Name: _____ DOB: _____                 </td> </tr> <tr> <td colspan="2">                     Address: _____                 </td> </tr> <tr> <td colspan="2">                     _____ Postcode: _____                 </td> </tr> </table>				To: <b>VOSA Fixed Penalty Office</b> Ellipse, Padley Road, Swansea SA1 8AN Telephone 03001239000	Date: _____	I enclose *Cash / *Cheque / *Postal Order No _____ for £ _____		Being the full payment for the above Fixed Penalty Notice (to contest any offence see notes overleaf) Please see reverse of notice for paying by credit or debit card		Block Capitals Please Full Name: _____ DOB: _____		Address: _____		_____ Postcode: _____	
To: <b>VOSA Fixed Penalty Office</b> Ellipse, Padley Road, Swansea SA1 8AN Telephone 03001239000	Date: _____														
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Block Capitals Please Full Name: _____ DOB: _____															
Address: _____															
_____ Postcode: _____															
*Delete as appropriate		(*Yellow) Driver copy (*White) Stays In pad													
FPN-E-04/09															

**Sample Fixed Penalty Deposit Requirement Notice**

s.90A, s.54 & s.75 Road Traffic Offenders Act 1988



Vehicle & Operator Services Agency

**Financial Penalty Deposit Requirement Notice**

**Fixed Penalty Notice**

REF:

*PLEASE READ THE EXPLANATORY NOTES ON THE BACK OF THIS NOTICE*

<b>Driver Details</b>	<b>Vehicle Details</b>
Name: .....	Reg No: ..... Make: .....
Address: .....	Nationality: .....
.....	<b>Trailer Details</b>
Driver Licence No: ..... DOB: .....	Number 1: .....
	Number 2: .....

Following inspection of the above vehicle I had reason to believe that the offence indicated below was being or had been committed.

Non-Endorsable Offence	Penalty

Exercising my powers under section 90D of the Road Traffic Offenders Act 1988 (c.53) as amended by the Road Safety Act 2006, this vehicle is hereby prohibited until full payment of the financial penalty deposit requirement has been received by VOSA.

A constable or vehicle examiner may further direct in writing the vehicle (and any trailer) to be removed to a place and subject to such conditions as may be specified. A constable or a vehicle examiner may also direct a person to remove the vehicle (and its trailer) to which the prohibition relates.

Warning: If any person drives, or causes or permits a vehicle to be driven in contravention of a prohibition, or fails to comply within a reasonable time with a direction to remove the vehicle, they may be subject on conviction to a fine not exceeding £5000.

<b>Issuing Officer Details</b>	<b>Driver Details</b>
Signature: .....	Signature: .....
Name: .....	Name: .....
Date of Notice: ..... Time: .....	

Place where issued: .....



(Yellow) Driver copy (Blue) Spare copy (White) Stays in pad

FPDRN-NE-04/09

## Sample Court Financial Deposit Notice

Section 90A Road Traffic Offenders Act 1988



Vehicle & Operator Services Agency

# Court Financial Deposit Requirement

REF:

*PLEASE READ THE EXPLANATORY NOTES ON THE BACK OF THIS NOTICE*

Driver Details
Name: .....
Address: .....
.....
.....
Driver Licence No: ..... DOB: .....

Vehicle Details
Reg No: ..... Make: .....
Nationality: .....
Trailer Details
Number 1: .....
Number 2: .....

Following inspection of the above vehicle I had reason to believe that the offence(s) indicated below (and on continuation pages where necessary) were being or had been committed.

It is likely that court proceedings will be brought against you in respect of the following offence(s) (See Notes)

Offence(s)	Deposit

**Total Amount Due** .....

Exercising my powers under section 90D of the Road Traffic Offenders Act 1988 as amended by the Road Safety Act 2006, this vehicle is hereby prohibited until full payment of the Financial Penalty Deposit Requirement has been received by VOSA.

A constable or vehicle examiner may further direct in writing the vehicle (and any trailer) to be removed to a place and subject to such conditions as may be specified. A constable or a vehicle examiner may also direct a person to remove the vehicle (and its trailer) to which the prohibition relates.

Warning: If any person drives, or causes or permits a vehicle to be driven in contravention of a prohibition, or fails to comply within a reasonable time with a direction to remove the vehicle, they may be subject on conviction to a fine not exceeding £5000.

Issuing Officer Details	Driver Details
Signature: .....	Signature: .....
Name: .....	Name: .....
Date of Notice: ..... Time: .....	

Place where issued: .....

An executive agency of the  
Department for  
**Transport**

(Green) Driver copy (Blue) Spare copy (White) Stays in pad

CFDR-04/09

## Explanatory Notes England and Wales

### EXPLANATORY NOTES PART 1

#### 1. Notice of Fixed Penalty (England and Wales)

This notice offers the opportunity to discharge any liability to conviction of the offence(s) to which the notice relates. You have 28 days from the date of this notice to pay the fixed penalty. If you have received a financial penalty deposit requirement please also read section 2 below. You may choose to have your case dealt with by a court instead, if so, please see section 6 below.

Payment can be made (quoting the reference number on the front of the notice) and by identifying the offences in respect of which you are making the payment, by the following methods:

- (a) By major Debit/Credit card by telephone to VOSA Fixed Penalty Office on Telephone Number 03001239000
- (b) If a UK address holder, by sending a Cheque/Postal Order With the attached remittance slip to VOSA Fixed Penalty Office, Ellipse, Padley Road, Swansea SA1 8AN.

**Late payments or payments by instalments will not be accepted.** If you fail to pay the fixed penalty within 28 days, the unpaid penalty plus one-half the amount of the penalty may be registered as a fine at a Magistrates Court for enforcement against you.

#### 2. Payment of Financial Penalty Deposit Requirement

A vehicle examiner or constable may impose a financial penalty deposit requirement if you do not provide a satisfactory address. A satisfactory address is an address in the United Kingdom at which the vehicle examiner considers it likely that it would be possible to find you whenever necessary in connection with the fixed penalty notice. The deposit amount is equal to the stated fixed penalty amount.

(If you wish to be tried by a court for the offence detailed overleaf, you have 28 days from the date of issue of the notice to request a court hearing. See section 6 below).

Financial Penalty Deposits payments can be made by the following methods:

- (a) By major credit cards to the VOSA examiner who will process the payment.
- (b) Cash payments in Pounds (£) Sterling only.
- (c) By Major Debit/Credit card by telephone to VOSA Fixed Penalty Office on Telephone Number 03001239000

*Please note: Failure to pay the required amount will result in the vehicle being prohibited from moving and possibly immobilised.*

**3. Refund of Cash Financial Penalty Deposit** Where a financial penalty deposit has been paid in cash at the roadside a written receipt will be issued for any deposit taken. The back of the receipt will contain all the steps the Secretary of State must take to affect a refund if a prosecution is not brought, or is not successful, or no fine is imposed.

#### 4. Offences carrying obligatory endorsement of a driving licence

**GB Issued Licences:** If the front of this notice states that the offence shown carries obligatory endorsement of your driving licence, you are required by law to provide your licence (including both the card and the counterpart) either at the time of the encounter, by surrendering it to the examiner or sending it to the VOSA Fixed Penalty Office, Ellipse, Padley Road, Swansea SA1 8AN within 14 days from the date of the notice and quoting the reference number of the notice. (This applies to a GB issued driving licence) The appropriate number of points will then be entered onto the counterpart of your Driving Licence. **You must produce these documents even if you do not want to be dealt with by means of Fixed Penalty.**

If the full drivers licence is surrendered to the examiner you will be given a receipt and the examiner will forward the licence to the VOSA Fixed Penalty Office. If the licence is sent by you to the VOSA Fixed Penalty Office within the 14 day period the fixed penalty will be treated as **Provisional** pending safe delivery of the licence. A search of the driver database will then be carried out for any previous allocated points. If it is found that the offence cannot be dealt with by fixed penalty due to an excess of endorsable points already on the licence which could lead to consideration of disqualification action, you will be informed that the matter will be referred to court and any payment made will be returned.

Once you have surrendered your licence (which must be both the card and the counterpart), you must pay the Fixed Penalty amount within 28 days or request that the matter be dealt with by a Court (see section 6).

**Other Licences:** If you do not have a GB issued driving licence or counterpart, a driving record will be created for you. The appropriate number of points will then be entered onto your driving record.

#### 5. Prohibition Action

Any vehicle prohibited for non payment of a deposit will remain under prohibition until full payment of the financial penalty deposit is made, payment of the fixed penalty is made, you are convicted or acquitted of the offence, you are informed that you are not to be prosecuted for the offence or the prosecution period (a period of 12 months from the date of the deposit requirement, or shorter in some circumstances) has expired.

#### 6. Alternative to a Fixed Penalty

If you decide to be tried by a Court for the offence detailed overleaf you **MUST** complete **PART 2** below and return it within 28 days to: The Fixed Penalty Office, Ellipse, Padley Road, Swansea SA1 8AN. You will then receive a Summons which will give the date and time and location set for the hearing.

#### 7. Notification of Intention to Bring Proceedings

If you have been notified that we intend to prosecute you for the offence detailed on this notice, you will be contacted in due course at the address you provided as shown overleaf.

#### 8. Notification of information to Employers

VOSA will provide the details of the offence overleaf to the appropriate Employer/Operator to allow for any operator licensing requirements to be complied with.

#### 9. Enquiries & Complaints

If you require any assistance with this notice or wish to complain about the issue of the notice, please telephone the VOSA Fixed Penalty Office on 03001239000. They cannot however give legal advice or recommend what choice you should make.

**You may wish to seek legal advice in relation to this matter.**

### PART 2

To: **VOSA Fixed Penalty Office**, Ellipse, Padley Road, Swansea SA1 8AN.

Tel: 03001239000

I wish to be dealt with by a court for the offence detailed in Fixed Penalty Reference No: \_\_\_\_\_

(To pay the notice use other side, see explanatory notes)

#### Block Capital Letters Please

Full Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Postcode: \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

EXPN-EW-04/09

## Sample Operator Notification Letter



Licence No: **OZ 123456**

Specimen Transport  
Unit 27  
Lower Street  
The Town TT1 6LS

Fixed Penalty Office  
VOSA  
Ellipse  
Padley Road  
Swansea. SA1 8AN

Tel: 0300 123 9000  
Fax: 01792 454313  
Email: [enquiries@vosa.gov.uk](mailto:enquiries@vosa.gov.uk)

Date: 1/12/2008

Dear Sir / Madam,

Fixed Penalty Ref: **123456789123**

Please consider this letter notification that vehicle registration **VO50 ABC** was involved in a VOSA inspection at **Wyllye Weigh Bridge, A36, Wiltshire on 28 November 2008**. Enquiries indicate you were the vehicle operator and the driver was acting on your instructions at the time.

Fixed penalty notice(s) or conditional offer(s) of fixed penalties were issued to **John Sample** in respect of the following:

### **Exceed 9 hour driving (0m - 1hr) Contrary Article 6.1 Reg EC 561/2006, 28.11.2008**

If you hold an Operator 's Licence, this matter is brought to your attention to enable you to fulfil your obligations under the Public Passenger Vehicles Act 1981 /Goods Vehicle (Licensing of Operators) Act 1995 (as amended by Road Safety Act 2006), and inform the relevant Traffic Commissioner of notifiable fixed penalties issued to your servant or agent.

If you have any queries regarding this, please contact VOSA as shown above.

Yours sincerely,

VOSA

An executive agency of the  
Department for  
**Transport**

## 10.4 Offence Penalty Levels

From time to time, VOSA may refer to ‘offence bands’ where each band indicates the action that VOSA intends to take in respect of any single offence. The meaning of these ‘bands’ is shown below:

Band	0	1	2	3	4	5
<b>VOSA Action</b>	Verbal Warning	Issue FP Level 1- £50	Issue FP Level 2- £100	Issue FP Level 3 – £200	Issue FP Level 4- £300	Court Prosecution

Note: Verbal Warnings are considered where the breach is apparently isolated and marginal in nature. Court Prosecution action is taken where the breach is considered to be too serious to be dealt with by way of a Fixed Penalty or where the offence is not a Fixed Penalty Offence.

The tables below contain the most common offences for which VOSA may issue Fixed Penalty Notices.

The tables do not constitute a comprehensive list of offences specified as Fixed Penalty Offences or Financial Penalty Deposit Offences by legislation, but is a significant sample of those matters that VOSA intend to deal with by way of Fixed Penalties (and where appropriate, Financial Penalty Deposits). In the event of any conflict between the tables and the legislation, the legislation will apply.

This document does not contain a list of all offences that VOSA may wish to prosecute.

For a full list of Fixed Penalty Offences please refer to the legislation quoted in 10.2.

### Notes: Construction and Use (“C&U”) offences

Many C&U offences come under the heading ‘Dangerous Use’, i.e. a component is not maintained in such a condition so as not to cause a danger. These are Reg. 100(1) offences under the Road Vehicles (Construction and Use) Regulations 1986 and attract a level 2 penalty. Less serious breaches of C&U Regs and other Regulations, a selection of which are listed in the following tables, attract a Level 1 penalty.

Use of a vehicle which involves a danger of injury will be dealt with by way of the RTA 88 S40A offence (endorsable).

Those roadworthiness offences that are endorsable are suffixed with ‘E’.

## Level 1 - £50

Description of contravention	Legislation specifying the offence	Further details of contravention, if relevant
Incorrect use of mode switch	Section 97(1)(a)(iii) of the Transport Act 1968	Art. 15(3)/ 3821/85 (EEC)
Use dirty or damaged (including defaced) charts or driver card	Section 97(1)(a) (iii) of the Transport Act 1968	Art. 15(1)/ 3821/85 (EEC)
Tachograph not repaired in accordance (with the relevant Annexes)	Section 97(1)(a)(ii) of the Transport Act 1968	Annex IB CH VI.2 of Regulation 3821/85/EEC
Tachograph not calibrated	Section 97(1)(a)(ii) of the Transport Act 1968	Annex 1 Part 111(f)3 (for analogue) Annex IB Ch. VI.4 (for digital)of Regulation 3821/85/EEC
Tachograph not sealed	Section 97(1)(a)(ii) of the Transport Act 1968	Annex I Ch.V.4 (for analogue) Annex IB Ch V.3 (for digital) of Regulation 3821/85/EEC
Fail to enter details on tachograph record sheet	Section 97(1)(a)(iii) of the Transport Act 1968	Art. 15(5)/ Regulation 3821/85 (EEC)
Fail to enter in the recording equipment the symbols of the countries in which driver begins and ends his journey	Section 97(1)(a) (iii) of the Transport Act 1968	Art. 15(5a)/Regulation 3821/85 (EEC)
Fail to ensure that the time recorded on the chart agrees with the official time	Section 97 (1)(a)(iii) of the Transport Act 1968	Art. 15(3)/ Regulation 3821/85 (EEC)
Use tachograph record sheet for longer than for which it is intended	Section 97(1)(a)(iii) of the Transport Act 1968	Art. 15(2)/Regulation 3821/85 (EEC)
Fail to comply with conditions governing the use of a Community licence	Regulation 7 of the Public Service Vehicles (Community Licences) Regulations 1999	Art 3a/ Regulation 684/92(EEC)
Fail to produce Community licence or control document while engaged in UK cabotage	Regulation 7 of the Road Transport (Passenger Vehicles Cabotage) Regulations 1999	
Failure to comply with conditions governing the use of Community authorisation	Regulation 7 of the Goods Vehicles (Community Authorisations) Regulations 1992	Art. 5(3)/Regulation 881/92(EEC)
Use a vehicle for regulated carriage of passengers without a correctly completed control document being carried (Waybill)	Regulation 19 (2) of the Road Transport (International Passenger Services) Regulations 198	Art. 6&10/Regulation 917/02(EEC)

## Level 1 - £50

Description of contravention	Legislation specifying the offence	Further details of contravention, if relevant
Use a vehicle for the carriage of passengers on an EC regular or special regular service without being the holder of a regular service Authorisation	Regulation 19(1)(a) of the Road Transport (International Passenger Services) Regulations 1984	Art 2(1)&(4)/ Regulation 684/92(EEC)
Ditto in connection with a shuttle service	Regulation 19(1)(b) of the Road Transport (International Passenger Services) Regulations 1984	Art.2(1)&(4)/Regulation 684/92 (EEC)
Ditto in connection with a works service	Regulation 19(1)(c) of the Road Transport (International Passenger Services) Regulations 1984	Art.2(1)&(4)/Regulation 684/92 (EEC)
Misuse of trade licence	Section 34 (a)/ (b)/(c) of the Vehicle Excise and Registration Act 1994	
Registration mark obscured	Section 43(1) of the Vehicle Excise and Registration Act 1994	
Fail to display trade licence	Section 59(1) of the Vehicle Excise and Registration Act 1994	Reg.42 Vehicles (Registration and Licensing) Regulations 2002
Registration Plate not affixed	Section 42(1) of the Vehicle Excise and Registration Act 1994	
Overheight - bus only	Section 42 of the Road Traffic Act 1988	Reg.9 of RV (C & U) Regs. 1986
Overwidth	Section 42 of the Road Traffic Act 1988	Reg.8 of RV (C & U) Regs. 1986
Overlength	Section 42 of the Road Traffic Act 1988	Reg.7 of RV (C & U) Regs. 1986
Marker boards not illuminated between sunset and sunrise in case of lateral projection of load exceeding 4.3 metres	Section 42 of the Road Traffic Act 1988	Reg. 82(2)(b)(ii) and para 5(c) of Sch. 12 of RV(C & U) Regs.1986
No rear marking sign	Section 42 of the Road Traffic Act 1988	Regulation 18(1) and Schedules 1 & 19 RV Lighting Regs 1989 .
Spray suppression – missing	Section 42 of the Road Traffic Act 1988	Regulation 64(3) of the RV(C&U) Regulations 1986.
Television (*Driver able to see TV screen fitted in vehicle)	Section 42 of the Road Traffic Act 1988	Regulation 109 of the RV(C&U) Regulations 1986.
Rear under-run protection Device not maintained	Section 42 of the Road Traffic Act 1988	Regulation 50 of the RV(C&U) Regulations 1986.



## Level 1 - £50

Description of contravention	Legislation specifying the offence	Further details of contravention, if relevant
Rear under-run protection Device not fitted (*Not equipped with rear guards)	Section 42 of the Road Traffic Act 1988	Regulation 49(3) of the RV(C&U) Regulations 1986.
Side guards not maintained	Section 42 of the Road Traffic Act 1988	Regulation 52 of the RV (C & U) Regs. 1986
Side guards not fitted	Section 42 of the Road Traffic Act 1988	Regulation 51(3) of the RV (C & U) Regs. 1986
Load or lateral projection of load exceeding permissible width	Section 42 of the Road Traffic Act 1988	Regulation 82(2) of the RV (C & U) Regs. 1986
Vehicle carrying a load that projects to the front or to the rear	Section 42 of the Road Traffic Act 1988	Regulation 82(7) RV (C & U) Regs. 1986
No windscreen wipers (in wet weather) and/or washers (in dry weather) fitted	Section 42 of the Road Traffic Act 1988	Reg. 34(1) and(2) of the R V (C& U) Regs 1986.
Windscreen wipers (in wet weather) and/or washers (in dry weather) not maintained in working order	Section 42 of the Road Traffic Act 1988	Reg. 34(6) of the R V (C& U) Regs 1986.
Fuel leaking from fuel tank (fail to prevent, e.g. by fuel cap missing)	Section 42 of the Road Traffic Act 1988	Reg. 39(2)(a)of the RV (C & U) Regulations 1986.
Oil leak from engine/assemblies likely to damage to property or injury/danger	Section 42 of the Road Traffic Act 1988	Reg. 61(5)(a)of the RV (C & U) Regulations 1986
Leaving vehicle unattended (Fail to stop engine and set brakes)	Section 42 of the Road Traffic Act 1988	Regulation 107(1) of the RV (C & U) Regs. 1986
External mirror showing view to rear missing	Section 42 of the Road Traffic Act 1988	Reg. 33(1) RV (C & U) Regs. 1986
No proper control of vehicle / full view of road and traffic (e.g. view to the front impaired having regard to the original design of the vehicle (seat adjustment)	Section 42 of the Road Traffic Act 19	Reg. 104 RV (C & U) Regs. 1986
Defective indicators	Section 42 of the Road Traffic Act 1988	Reg. 23(1) RV Lighting Regs. 1989
Defective front lights	Section 42 of the Road Traffic Act 1988	Reg. 23(1) RV Lighting Regs. 1989

## Level 1 - £50

Description of contravention	Legislation specifying the offence	Further details of contravention, if relevant
Defective rear lights	Section 42 of the Road Traffic Act 1988	Reg. 23(1) RV Lighting Regs. 1989
Defective headlights	Section 42 of the Road Traffic Act 1988	Reg. 23(1) RV Lighting Regs. 1989
Defective brake lights	Section 42 of the Road Traffic Act 1988	Reg. 23(1) RV Lighting Regs. 1989
Obligatory lighting equipment defective	Section 42 of the Road Traffic Act 1988	Reg. 23(1) RV Lighting Regs. 1989
Obligatory lighting equipment not fitted	Section 42 of the Road Traffic Act 1988	Reg. 18(1) RV Lighting Regs. 1989
No proper control and/or full view ahead	Section 42 of the Road Traffic	Reg.30(1) of the RV (C & U) Regs. 1986

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	Act 1988	
Glass Windows condition (tinted)	Section 42 of the Road Traffic Act 1988	Reg.30(3) and 32(10) of the RV (C & U) Regs. 1986 .
Exhaust System Faulty	Section 42 of the Road Traffic Act 1988	Reg. 54(2)of the R V (C & U) Regs.1986.
Excessive smoke emission	Section 42 of the Road Traffic Act 1988	Reg. 61(1)of the R V (C & U) Regs.1986.
No height indication notice in cab (Contravening height restriction)	Section 42 of the Road Traffic Act 1988	Reg. 10(1)(2) of the R V (C & U) Regs. 1986.
Fail to produce proof of Driver CPC training ( or exemption)	Regulat ion 11(7) of the Vehicle Drivers (Certific ate of Profess ional Compet ence) Regulat ions 2007	

## Level 2 - £100 (Endorsable where indicated by 'E')

Description of contravention	Legislation specifying the offence	Further details of contravention, if relevant
Use a defective driver card	Section 97 (1)(a)(iii) of the Transport Act 1968	Article 14(4)(a) of Regulation 3821/85/EEC
Failing to ensure correct functioning of recording equipment or driver card	Section 97 (1)(a)(iii) of the Transport Act 1968	Article 13 Regulation 3821/85/EEC
Failure to ensure that printing can be carried out correctly (no paper)	Section 97(1)(a)(iii) of the Transport Act 1968	Article 14(1) Regulation 3821/85/EEC
Dangerous Condition –failure to maintain vehicle so not to be danger (including imminent failure/detachment of any component which could cause a danger and defective suspension)	Section 42 of the RTA1988	Reg100(1) of the RV (C & U) Reg 1986
Dangerous Condition – failure to carry load securely so not to be danger or nuisance	Section 42 of the RTA1988	Reg100(2) of the RV (C & U) Reg 1986
Dangerous Condition – failure to use vehicle for suitable purposes, so as not to be danger or nuisance	Section 42 of the RTA1988	Reg100(3) of the RV (C & U) Reg 1986
Dangerous Condition <b>E</b> (Use a vehicle that involves a danger of injury)	Section 40A of the RTA 1988	
Defective Brakes <b>E</b>	Section 41A RTA 1988	Reg18(1) RV (C & U) Regs1986
Brakes - Vacuum & Pressure Rate Warning Devices - function(missing) <b>E</b>	Section 41A RTA 1988	Reg17(1) RV (C & U) Regs1986
No Braking System – Agricultural Trailer <b>E</b>	Section 41A RTA 1988	Reg16 RV (C & U) Regs1986
Defective steering <b>E</b>	Section 41A RTA 1988	Reg. 29 RV (C & U) Regs1986
Tyre Condition/Maintenance <b>E</b>	Section 41A RTA 1988	Reg27((1) RV (C & U) Regs 1986
Tyres –different types <b>E</b>	Section 41A RTA 1988	Reg26(1) RV (C & U) Regs 1986

## Level 2 - £100 (Endorsable where indicated by 'E')

Description of contravention	Legislation specifying the offence	Further details of contravention, if relevant
Tyres – not meeting conditions for vehicle type(incl. recuts) E	Section 41A RTA 1988	Reg24(1) RV (C & U) Regs 1986
Defective Suspension(not steering)	Section 42 of the RTA1988	Reg100(1) RV (C & U) Regs 1986
Use a goods vehicle for hire or reward on a relevant. journey without a Community authorisation	Regulation 3 of the Goods Vehicles (Community Authorisations) Regulations 1992	Art.3(1) Regulation 881/92/EEC
Use a vehicle for international carriage of passengers without being the holder of a Community licence	Regulation 3 of the Public Service Vehicles (Community Licences) Regulations 1999	Art.3a(1) Regulation 684/92/EEC.
Use a vehicle for UK Cabotage operation without a Community licence	Regulation 3(1) of the Road Transport (Passenger Vehicles Cabotage) Regulations 1999	
Use a vehicle for UK cabotage operations without a control document	Regulation 4(1) of the Road Transport (Passenger Vehicles Cabotage) Regulations 1999	

## Level 3 - £200 (endorsable where indicated by E)

Description of contravention	Legislation specifying the offence	Further details of contravention, if relevant
Tread pattern on tyres worn beyond legal limit of less than- 1.0mm E	S41A RTA 1988.	Reg. 27(1)(g) of the RV(C&U) Regs 1986.
No speed limiter fitted (coach)	S42 RTA 1988	Reg. 36A(4) of the RV (C&U) Regs 1986.
Speed limiter defective (coach)	S42 RTA 1988.	Reg. 36A(4) of the RV(C&U) Regs 1986.
Speed limiter not restricting the vehicle to its legal maximum (Coach/Bus)	S 42 RTA 1988.	Reg. 36A(6) of the RV(C&U) Regs.1986
No speed limiter fitted (goods)	S42 RTA 1988	Reg. 36B(6) of the RV (C&U) Regs.1986
Speed limiter defective (goods)	S 42 RTA 1988	Reg. 36B(6) of the RV (C&U) Regs. 1986
Speed limiter not restricting the vehicle to its legal maximum (goods)	S 42 RTA 1988.	Reg. 36B(6) of the RV (C&U) Regs. 1986
Failure to ensure that printing can be carried out correctly	Section 97(1)(a)(iii) of the Transport Act 1968	Article 14(1) Regulation 3821/85/EEC
Failure to ensure the proper use of recording equipment and driver card	Section 97(1)(a)(iii) of the Transport Act 1968	Article 13 Regulation 3821/85/EEC
Fail, at the start of the journey, to print out the information required, mark on it details that enable driver to be identified, including signature, and periods of duty, availability and rest (only applies where driver card is damaged/malfunctions or not in possession of driver).	Section 97(1)(a)(iii) of the Transport Act 1968	Article 15(1)(a) Regulation 3821/85/EEC
Fail, at the end of the journey, to print out the information required and mark on the printout details that enable the driver to be identified, including signature (where driver card is damaged/malfunctions or not in possession of driver).	Section 97(1)(a)(iii) of the Transport Act 1968	Article 15(1)(b) Regulation 3821/85/EEC

## Level 3 - £200

Description of contravention	Legislation specifying the offence	Further details of contravention, if relevant
Fail to enter legibly on the record sheet, when away from the vehicle, periods of time, manually or by other means. (analogue)	Section 97(1)(a)(iii) of the Transport Act 1968	Article 15(2)(a) Regulation 3821/85/EEC
Fail to enter on the driver card, when away from the vehicle, periods of time using the manual entry facility provided in the recording equipment. (digital)	Section 97(1)(a)(iii) of the Transport Act 1968	Article 15(2)(b) Regulation 3821/85/EEC.
Unauthorised withdrawal of record sheet (i.e. tachograph chart) or driver card i.e. - removed during working day	Section 97 (1)(a)(iii) of the Transport Act 1968	Article 15(2) Regulation 3821/85/EEC
Fail to amend record sheet or driver card (i.e. by swapping over) as necessary when more than one driver on vehicle.	Section 97(1)(a)(iii) of the Transport Act 1968	Article 15(2) Regulation 3821/85/EEC

## Level 4 - £300 (endorsable where indicated by E)

Description of contravention	Legislation specifying the offence	Further details of contravention, if relevant
Fail to permit inspection of record book (Domestic Rules)	Section 99(1)(a) & (4) of the Transport 1968	
Fail to produce and permit to inspect, remove, retain and copy any tachograph records when requested at the roadside.	Section 99ZA(1)(b), 99ZB(2)(a) & 99ZD(1)(a) & (2) of the Transport Act 1968.	Article 15(7) Regulation 3821/85/EEC.
Fail to produce and permit to inspect driver card when requested by authorised officer (roadside)	Section 99ZA(2)(a) & 99ZD(1)(a) & (2) of the Transport Act 1968	Article 15(7) Regulation 3821/85/EEC.
Fail to permit the copying of data stored on driver card and to remove and retain the copy (roadside)	Section 99ZA(2)(b) & 99ZD(1)(a) & (2) of the Transport Act 1968	Article 15(7) Regulation 3821/85/EEC.
Recording equipment (inc. tachograph) not installed	Section 97(1)(a)(i) of the Transport Act 1968	Article 3 (1) Regulation 3821/85/EEC
Fail to ensure proper use record sheets (i.e. tachograph chart) or driver card (driver)	Section 97(1)(a)(iii) of the Transport Act 1968	Article 15(2) Regulation 3821/85/EEC
Driver used a driver card for which he was not the holder	Section 97(1)(a)(iii) of the Transport Act 1968	Article 14(4)(a) Regulation 3821/85/EEC
Fail to ensure proper use of driver card.	Section 97(1)(a) of the Transport Act 1968	Article 13 Regulation 3821/85/EEC
Obstruction of an examiner in the exercise of powers under section 99(2)(a) or (3) TA 68 only	Section 99(4) Transport Act 1968	
Fail to comply with a prohibition or direction in relation to a prohibition	Roadworthiness: TA 1968 S99C Overweight: RTA 1988 S71(1) Foreign Vehicles: RT(FV) Act 1972 S3(1)(a) Non-payment of Deposit: RTOA 1988 S90D(6)	
No Operator's Licence (goods)	Section 2(5) of Goods Vehicle(Licensing of Operators) Act 1995	



## Level 4 - £300 (endorsable where indicated by E)

Description of contravention	Legislation specifying the offence	Further details of contravention, if relevant
No Operator's Licence (passenger)	Section 12(5) Public Passenger Vehicles Act 1981	
Unlawful cabotage (passenger)	Section 12(5) of the Public Passenger Vehicles Act 1981	
Unlawful cabotage (goods)	Section 2(5) Goods Vehicles(Licensing of Operators) Act 1995	
No insurance <b>E</b>	Section 143(2) Road Traffic Act 1988	
Fail to produce and permit to inspect, remove, retain and copy any tachograph records when requested at the roadside (NOT obstruction)	Section 99ZD(1) of the Transport Act 1968	Article 15(7) Regulation 3821/85/EEC

## Scaled Penalties

The following offences have penalties graduated against the severity of the breach.

Offence	Contravention Description	Further Relevant Details	Nature of contravention	Penalty
Section 96(11) Transport Act 1968	Exceed daily driving limit (Domestic)	Section 96(1) TA 1968	10<hours<11	£100
			11≤hours<12	£200
			12≤hours	£300
	Fail to take an interval for rest and refreshment (Domestic)	Section 96(2) TA 1968	Excess <1hr	£100
			1h≤Excess<2h	£200
			2h≤Excess	£300
	Exceed 11 hour working day limit where applicable (Domestic)	Section 96(3)(a) TA 1968	11<hours<12	£100
			12≤hours<13	£200
			13≤hours	£300
	Failure to take a daily rest period between successive working days	Section 96(4) TA 1968	11>hours>10	£100
			10≥hours>9	£200
			9≥hours	£300
	Failure to take a weekly rest period of 24 hours	Section 96(6) TA 1968	24>hours>23	£100
			23≥hours>22	£200
			22≥hours	£300
Exceed daily working limit of 16 hours (EC Regs exempt passenger vehicle)	Drivers' Hours (Passenger and Goods Vehicle) (Modifications) Order 1971	16<hours<17	£100	
		17≤hours<18	£200	
		18≤hours	£300	

## Scaled Penalties

Offence	Contravention Description	Further Relevant Details	Nature of contravention	Penalty	
Section 96(11) Transport Act 1968	Fail to take daily rest period between 2 successive working days (EC Regs exempt passenger vehicle)	Drivers' Hours (Passenger and Goods Vehicle) (Modifications) Order 1971	10 > hours > 9 [8.5 > hours > 7.5 If reduced rest]	£100	
			9 ≥ hours > 8 [7.5 > hours > 6.5 If reduced rest]	£200	
			8 ≥ hours [6.5 > hours, If reduced rest]	£300	
	Fail to take weekly rest period of 24 hrs. between 2 consecutive weeks. (EC Regs exempt passenger vehicle)	Drivers' Hours (Passenger and Goods Vehicle) (Modifications) Order 1971	24 > hours > 23	£100	
			23 ≥ hours > 22	£200	
			22 ≥ hours	£300	
	All other breaches			£50	
	Section 96(11A) Transport Act 1968	Exceed 4.5 hours driving without a break	Article 7 561/2006	4.5 < hours < 5.5	£100
				5.5 ≤ hours < 6.5	£200
				6.5 ≤ hours	£200
Exceed 10 hours daily driving (where applicable)		Article 6(1) para 2 561/2006	10 < hours < 11	£100	
			11 ≤ hours < 12	£200	
			12 ≥ hours	£300	
Exceed 9 hours daily driving		Article 6(1) para 1 561/2006	9 < hours < 10	£100	
			10 ≤ hours < 11	£200	
			11 ≥ hours	£300	

## Scaled Penalties

Offence	Contravention Description	Further relevant details	Nature of contravention	Penalty
Section 96(11A) Transport Act 1968	Exceed weekly driving time of 56 hours.	Article 6(2) 561/2006	56<hours<58	£100
			58≤hours<59	£200
			59≤hours	£300
	Exceed 90 hours accumulated driving time in any two consecutive weeks	Article 6(3) 561/2006	90<hours<93	£100
			93≤hours<94	£200
			94>hours	£300
	Insufficient daily rest in 24 hour period.	Articles 8(1) and (2) 561/2006 Regular daily rest period	11>hours>10	£100
			10≤hours>9	£200
			9≤hours	£300
		Articles 8(1) and (2) 561/2006 Reduced daily rest period (where applicable)	9>hours>8	£100
			8≥hours>7	£200
			7≥hours	£300
	Failure to take first rest of at least 3 hrs when daily rest split. (split rest rules)	Articles 4(g) and 8(1) and (2) 561/2006	3>hours>2	£100
			2≥hours>1	£200
			1≥hour	£300
Failure to take second rest of at least 9 hrs when daily rest split. (split rest rules)	Articles 4(g) and 8(1) and (2) 561/2006	9>hours>8	£100	
		8≥hours>7	£200	
		7≥hours	£300	

## Scaled Penalties

Offence	Contravention Description	Further Relevant Details	Nature of Contravention	Penalty
Section 96(11A) Transport Act 1968	Failure to take a daily rest period of at least 12 hrs when split (split rest rules)	Articles 4(g) and 8(1) and (2) 561/2006	12 > hours > 11	£100
			11 ≥ hours > 10	£200
			10 hrs ≥ hours	£300
	Insufficient daily rest in 30 hour period where driver engaged in multimanning.	Articles 8(1) and (5) 561/2006	9 > hours > 8	£100
			8 ≥ hours > 7	£200
			7 ≥ hours	£300
	Insufficient weekly rest	Articles 8(1) and (6) 561/2006 Regular weekly rest	45 > hours > 43	£100
			43 ≥ hours > 42	£200
			42 ≥ hours	£300
		Articles 8(1) and (6) 561/2006 Reduced weekly rest (where applicable)	24 > hours > 22	£100
			22 ≥ hours > 21	£200
			21 ≥ hours	£300
	Fail to compensate for reduced weekly rest	Article 8(6) 561/2006	3 hrs > deficit	£100
			3 hrs ≤ deficit < 4 hrs	£200
			4 hrs ≤ deficit	£300
	Exceed 4.5 hours driving without a break (AETR)	Article 7(1) AETR	4.5 < hours < 5.	£100
			5.5 ≤ hours < 6.5	£200
			6.5 ≤ hours	£300
Exceed 10 hours daily driving (where applicable) (AETR)	Article 6(1) AETR	10 < hours < 11	£100	
		11 ≤ hours < 12	£200	
		12 ≤ hours	£300	

## Scaled Penalties

Offence	Contravention Description	Further Relevant Details	Nature of Contravention	Penalty
Section 96(11A) Transport Act 1968	Exceed 9 hours daily driving limit. (AETR)	Article 6(1) AETR	9<hours<10	£100
			10≤hours<11	£200
			11 ≤hours	£300
	Exceed 90 hours accumulated fortnightly driving time. (AETR)	Article 6(2) AETR	90<hours<93	£100
			93≤hours<94	£200
			94≤hours	£300
	Insufficient daily rest in 24 hour period. (AETR)	Article 8(1) AETR 11 hr. daily rest period	11>hours>10	£100
			10≥hours>9	£200
			9 ≥hours	£300
		Article 8(1) AETR 9hr. daily rest period (where permitted)	9>hours>8	£100
			8≥hours>7	£200
			7 ≥hours	£300
	Failure to take a rest of at least 8 consecutive hours where daily rest is split (split rest rules) (AETR)	Article 8(1)AETR Split daily rest	8>hours>7	£100
			7≥hours>6	£200
			6≥hours	£300
	Failure to take a daily rest period of at least 12 hours where daily rest is split (split rest rules) (AETR)	Article 8(1) AETR Split daily rest	12>hours>11	£100
			11≥hours>10	£200
			10 ≥hours	£300
	Fail to compensate for reduced daily rest (AETR)	Article 8(1) AETR	Deficit<3hrs	£100
			3hrs≤deficit<4hrs	£200
			4hrs≤deficit	£300

## Scaled Penalties

Offence	Contravention Description	Further Relevant Details	Nature of Contravention	Penalty
Section 96(11A) Transport Act 1968	Insufficient daily rest in 30 hour period. Driver engaged in multimanning. (AETR)	Article 8(2) AETR	8>hours>7	£100
			7≥hours>6	£200
			6 ≥hours	£300
	Insufficient weekly rest (AETR)	Articles 6(1) and 8(3) Regulation 3820/85/EEC 45 hour weekly rest	45>hours>43	£100
			43≥hours>42	£200
			42 ≥hours	£300
		Articles 6(1) and 8(3) Regulation 3820/85/EEC 36 hour reduced weekly rest taken where driver normally based	36>hours>34	£100
			34≥hours>33	£200
			33 ≥hours	£300
		Articles 6(1) and 8(3) Regulation 3820/85/EEC 24 hour reduced weekly rest taken otherwise than where driver normally based	24>hours>22	£100
			22≥hours>21	£200
			21 ≥hours	£300
	Fail to compensate for reduced weekly rest (AETR)	Articles 6(1) and 8(3) Regulation 3820/85/EEC	Deficit<3hrs	£100
			3hrs≤deficit<4hrs	£200
			4hrs≤deficit	£300

## Other Offences

Offence	Contravention Description	Further Relevant Details	Penalty
Section 97(1) Transport Act 1968	Failure to ensure tachograph is installed in accordance etc	Article 3(1) Regulation 3821/85/EEC	£300
	Fail to ensure correct functioning of recording equipment or driver card	Article 13 Regulation 3821/85/EEC	£100
	Failure to ensure the proper use of the recording equipment	Article 13 Regulation 3821/85/EEC	£200
	Failure to ensure the proper use of the driver card	Article 13 Regulation 3821/85/EEC	£300
	Use a defective driver card	Article 14(4)(a) Regulation 3821/85/EEC	£100
	Failure to ensure that printing can be carried out correctly in the event of an inspection by failure to provide sufficient printing material	Article 14(1) Regulation 3821/85/EEC	£100
	Failure to ensure that printing can be carried out correctly in the event of an inspection (other than failure to provide sufficient printing material)	Article 14(1) Regulation 3821/85/EEC	£200
	Using driver card of which the driver is not the holder	Article 14(4)(a) Regulation 3821/85/EEC	£300
	Failure at the start of a journey, to print out information required	Article 15(1)(a) Regulation 3821/85/EEC	£200
	Failure at the end of a journey, to print out information required	Article 15(1)(b) Regulation 3821/85/EEC	£200
	Failure to use record sheets or driver card	Article 15(2) Regulation 3821/85/EEC	£300
	Unauthorised withdrawal of record sheet or driver card	Article 15(2) Regulation 3821/85/EEC	£200
	Failure to enter legibly on the record sheet, when away from the vehicle, periods of time	Article 15(2) Regulation 3821/85/EEC	£200
	Failure to amend record sheet or driver card as necessary when more than one driver on board the vehicle	Article 15(2) Regulation 3821/85/EEC	£200



## Scaled Penalties

Offence	Contravention Description	Further Relevant Details	Nature of Contravention	Penalty
Section 41B Road Traffic Act 1988	Exceed maximum authorised weight of vehicle.	Reg. 4(1)(a) and Schedule 1 RV(Authorised Weight) Regs. 1998	0 < excess < 10%	£100
			10% ≤ excess < 15%	£200
			15% ≤ excess	£300
	Exceed maximum authorised weight of vehicle combination.	Reg. 4(1)(b) and Schedule 2 RV(Authorised Weight) Regs. 1998	0 < excess < 10%	£100
			10% ≤ excess < 15%	£200
			15% ≤ excess	£300
	Exceed maximum authorised weight of axle.	Reg. 4(1)(c) and Schedule 3 RV(Authorised Weight) Regs. 1998	0 < excess < 10%	£100
			10% ≤ excess < 15%	£200
			15% ≤ excess	£300
	Exceed maximum permitted laden weight of a vehicle	Reg. 75(1) of and Parts I, IA and II of Sch. 11, RV(C&U) Regs. 1986	0 < excess < 10%	£100
			10% ≤ excess < 15%	£200
			15% ≤ excess	£300
	Exceed maximum permitted laden weight of trailer	Reg 75(3) RV(C&U) Regs. 1986	0 < excess < 10%	£100
			10% ≤ excess < 15%	£200
			15% ≤ excess	£300

## Scaled Penalties

Offence	Contravention Description	Further Relevant Details	Nature of Contravention	Penalty
Section 41B Road Traffic Act 1988	Exceed maximum permitted laden weight of vehicle and trailer, other than an articulated vehicle	Reg 76(1) RV(C&U) Regs. 1986	0 < excess < 10%	£100
			10% ≤ excess < 15%	£200
			15% ≤ excess	£300
	Exceeding any weights shown on the plate fitted in accordance with Reg.66	Reg 80(1)(a) RV(C&U) Regs. 1986	0 < excess < 10%	£100
			10% ≤ excess < 15%	£200
			15% ≤ excess	£300
	Exceeding any weights shown in Col. 2 of the plating certificate	Reg 80(1)(b) RV(C&U) Regs. 1986	0 < excess < 10%	£100
			10% ≤ excess < 15%	£200
			15% ≤ excess	£300
	Exceed maximum permitted gross weight in respect of an agricultural trailed appliance	Reg. 80(1)(c) RV(C&U) Regs. 1986	0 < excess < 10%	£100
			10% ≤ excess < 15%	£200
			15% ≤ excess	£300
	Exceed sum of weights in respect of axles fitted with a compensating arrangement.	Reg. 80(2) RV(C&U) Regs. 1986	0 < excess < 10%	£100
			10% ≤ excess < 15%	£200
			15% ≤ excess	£300
	In all other cases			£50

## 10.5 Glossary of acronyms and abbreviations

ACPO – Association of Chief Police Officers

ACPOS – Association of Chief Police Officers Scotland

AETR – European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR)

DfT – Department for Transport

DVLA – Driver Vehicle Licensing Agency

EC – European Community

GB – Great Britain

GFPDS – Graduated Fixed Penalty and Deposit Schemes

HGV – Heavy Goods Vehicle

OCRS – Operator Compliance Risk Score

OPSI – Office of Public Sector Information

ORN – Offence Rectification Notice

PSV – Public Service Vehicles

RSA – Road Safety Act

RTA – Road Traffic Act 1988

RT(FV) 1972 – Road Traffic (Foreign Vehicles) Act 1972

RTOA – Road Traffic Offenders Act

RV(Authorised Weight) Regs.- Road Vehicles (Authorised Weight) Regulations 1998

RV Lighting Regs- Road Vehicles Lighting Regulations

RV(C&U) Regs – Road Vehicle (Construction & Use) Regulations 1986

SI – Statutory Instrument

TA 1968 –Transport Act 1968

TC – Traffic Commissioner

UK – United Kingdom

VOSA – Vehicle Operator Services Agency

561/2006 – Regulation (EC) no.561/2006

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