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## **RoSPA Response to the Scottish Government and Department of Transport Consultation Paper “Prosecution of Road Traffic Offences in Scotland: Fixed Penalty Notice Reform”**

The Road Traffic Offenders Act 1988 provides the framework for the prosecution and punishment of road traffic offences in Great Britain. It sets out the ways in which fixed penalties can be issued for certain road traffic offences, such as exceeding a speed limit. Although the Act extends to Scotland, England, and Wales, there is a difference concerning fixed penalty notices between the law in Scotland and the law in England and Wales.

A fixed penalty notice, or a conditional offer of a fixed penalty notice, can be issued on-the-spot to a suspected offender or fixed to an offending stationary vehicle. They are normally issued by the police, a traffic warden or an authorised DVSA vehicle examiner.

When a fixed penalty notice is issued on the spot, the suspected offender has 21 days to request a court hearing to challenge the offence. If they do not request a hearing, the conviction, fine and penalty points are automatically registered, without any further intervention by the police or prosecution. If they do not pay the fixed penalty, a sum 1½ times the fixed penalty amount becomes a registered fine, and is collected and enforced under the normal procedures for collecting and enforcing court fines.

When a conditional offer of a fixed penalty notice is issued, the suspected offender must respond within 28 days to accept the offer and pay the fine. If they fail to respond, or decide to challenge the notice, prosecution proceedings will normally be started.

However, in Scotland, while it is possible to issue a conditional offer of a fixed penalty notice to a suspected offender or to fix one to an offending stationary vehicle, it is not possible to issue a fixed penalty notice on-the-spot to a suspected offender because section 54 of the Road Traffic Offenders Act only applies to England and Wales.

The Scottish Government and the UK Government agree that the law in Scotland should be changed to match that of England and Wales, and are seeking views on the proposal. It would mean amending section 54 of the Road Traffic Offenders Act 1988 to allow fixed penalty notices to be issued on-the-spot to suspected offenders in Scotland, as they are in England and Wales.

**Q. Do you agree that section 54 of the Road Traffic Offenders Act 1988 should be amended to allow the police, traffic wardens and DVSA vehicle examiners to issue fixed penalty notices to suspected offenders of road traffic offences committed in Scotland? Please explain your answer.**

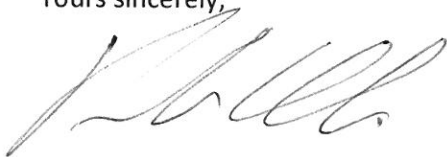
RoSPA agrees with the proposal to extend the powers to issue fixed penalty notices to suspected offenders for offences committed in Scotland.

The procedure in England and Wales provides greater flexibility and efficiency in dealing with road traffic offences, as fixed penalty notices automatically become a registered fine, and associated penalty points are recorded on the driver's licence, without requiring further intervention by the police, prosecutors, or courts. In contrast, the present procedure in Scotland is an inefficient use of resources, and unnecessarily increases the burden on the Scottish criminal justice system.

This would reduce the burden on Scotland's police, prosecutors and courts. The number of cases requiring court time would be reduced, saving court time for more serious cases which cannot be dealt with fixed penalty notices. It would reduce the number of police officers and witnesses required to attend at court, freeing officers' time to perform other duties. It would give the justice system in Scotland greater resilience.

RoSPA thanks the Scottish Government and the Department of Transport for the opportunity to comment on the proposals. We have no objection to our response being reproduced or attributed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Allan', written in a cursive style.

**Sandy Allan**  
**Road Safety Manager Scotland**