

2017 No. 66

CRIMINAL LAW, ENGLAND AND WALES

CRIMINAL LAW, SCOTLAND

The Fixed Penalty (Amendment) Order 2017

Made - - - - - *24th January 2017*
Laid before Parliament *6th February 2017*
Coming into force - - - *1st March 2017*

The Secretary of State makes the following Order in exercise of the powers conferred by section 53 of the Road Traffic Offenders Act 1988(a).

Representative Organisations have been consulted in accordance with section 88(2) of that Act.

Citation, commencement and application

1.—(1) This Order may be cited as the Fixed Penalty (Amendment) Order 2017 and comes into force on 1st March 2017.

(2) This Order does not apply to offences committed before it comes into force.

Amendment of the Fixed Penalty Order 2000

2. In the table in Schedule 1 (fixed penalties) to the Fixed Penalty Order 2000(b), after the entry for item number 1, insert—

“		
1A	A fixed penalty offence under section 41D(b) of the Road Traffic Act 1988(c)	£200”

Signed by authority of the Secretary of State for Transport

24th January 2017

Andrew Jones
Parliamentary Under Secretary of State
Department for Transport

(a) 1988 c. 53; section 53 was substituted by paragraph 102 of Schedule 4 to the Road Traffic Act 1991 (c. 40) and amended by section 3 of the Road Safety Act 2006 (c. 49) and S.I. 2015/664.
(b) S.I. 2000/2792; the table in Schedule 1 was substituted by S.I. 2013/1569 and amended by S.I. 2014/259.
(c) 1988 c.52.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Fixed Penalty Order 2000 (S.I. 2000/2792, “the 2000 Order”), which prescribes fixed penalty amounts for fixed penalty offences. The 2000 Order is amended by adding a new fixed penalty amount for the offence, under section 41D(b) of the Road Traffic Act 1988, of contravening or failing to comply with a construction and use requirement as to the use of hand-held mobile telephones, or other hand-held interactive communication devices, while driving.

Previously, an offence under this provision fell under entry 4 “Any other fixed penalty offence involving obligatory endorsement” in the table in Schedule 1 to the 2000 Order, and therefore carried a fixed penalty amount of £100. This Order inserts into the table a specific entry for the offence under section 41D(b) of the Road Traffic Act 1988, with an associated fixed penalty amount of £200.

A full impact assessment has been produced and is available from the Road User Licencing, Insurance and Safety Division, Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR. The impact assessment and an Explanatory Memorandum are available alongside the instrument on the UK Legislation website, www.legislation.gov.uk.

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