



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

Fixed Penalty Notices (FPNs)



Road Traffic Offences - Options

Verbal advice/warning

Traffic offence report (TOR) /Vehicle Defect Rectification Scheme (VDRS)

Report for summons

Fixed Penalty Notice



When you detect a road traffic offence to which a fixed penalty notice applies, you have the below options available to you:

- Give verbal advice/warning
- Traffic offence report (TOR) or Vehicle Defect Rectification Scheme (VDRs)
- Report the person for summons
- Issue a Fixed Penalty Notice (FPN)

Usually one fixed penalty notice may be issued for one offence and on one occasion.

Advantages of Fixed Penalty Notices (F.P.Ns)

Alternative to court proceedings

Fixed fine

Reduces burden on police and justice system



A fixed penalty notice is an **alternative** to reporting for summons. It is **not** an alternative to a verbal warning.

It replaces the need for a possible court appearance with the payment of a fixed amount of money – the fixed penalty

The fixed penalty procedure reduces the administrative and judicial burden on the police and the court system by allowing officers to deal with offences at the roadside.

Fixed Penalty Notices (F.P.Ns)

Non-endorsable

Endorsable

Conditional offer*



The fixed penalty procedure covers a large amount of road traffic law.

The fixed penalty notice itself is a pro forma document, usually produced as a pad, with one or a number of carbonated copies

Traffic wardens, police officers and PCSOs can issue fixed penalty notices, however the powers regarding their issue will vary.

There are a number of different types of penalty notice

Non-endorsable

Endorsable

Conditional offer*

*Section 75 of the Road Traffic Offenders Act 1988 allows a conditional offer of a Fixed Penalty Notice (FPN) when one is not issued at the time of the offence.

The alleged offender receives correspondence by or on behalf of the chief officer of police and is offered the opportunity to pay the fine to avoid a court appearance.

This process is usually undertaken in respect of offences such as excess speeding when identified by a speed camera

Fixed Penalty Notices (F.P.Ns)

A police constable in uniform can issue a fixed penalty notice to:

Any person where they have reason to believe the person is committing or has committed a relevant offence

Endorsable FPNs can only be issued where offender is present and cannot be attached to a vehicle

Non-endorsable FPNs can be affixed to any vehicle which a police constable has reason to believe has committed a relevant offence

Officer must be in possession of sufficient evidence to prove the offence at time of issue



Whilst traffic offences detected where the driver is present are likely to be dealt with by the use of a Traffic Offence Report (TOR), which are covered in another session, **this process is not suitable for offences where the driver was not seen or offences involving unattended vehicles.**

In these circumstances, an officer should consider disposing of the offences by some other means e.g. Fixed Penalty Notice (non-endorsable)

Fixed Penalty Notices (F.P.Ns) – Multiple offences

Verbally warn for all offences

Report for summons for all offences

Verbally warn for some offences and report
for summons for the others

Issue Fixed Penalty for one offence and warn
for others

Issue TOR/VDRS for multiple offences and warn
for others



Where more than one offence is identified, the officer has a number of options available to them:

- Verbally warn for all offences
- Report for summons for all offences
- Verbally warn for some offences and report for summons for the others
- Issue Fixed Penalty for one offence and warn for others
- Issue TOR/VDRS for multiple offences and warn for others

Note that a FPN can only be issued for one offence

Fixed Penalty Notices (F.P.Ns) – Non-endorsable

The offences for which this type of notice can be issued are set out on the cover of the Fixed Penalty booklet

[illegible]

The offences for which this type of notice can be issued are set out on the cover of the Fixed Penalty book.

They include minor offences such as:

Lighting offences – headlights

Seatbelt offences

Fail to stop engine running when stationary

Parking vehicle without displaying a permit

Parking on the offside at night

Sufficient evidence to prove the offence must be present before a notice is issued.

Care must be taken when issuing notices, particularly where there is no motor vehicle involved, e.g. pedal cyclists (offence of cycling on a footpath), to verify the particulars of the person concerned

All details are recorded on the ticket and anything recorded on the notice will be your 'notes made at the time' for evidential purposes should they be required at Court.

Fixed Penalty Notices (F.P.Ns) – Non-endorsable

The image shows two versions of a Fixed Penalty Notice (F.P.N.) form. The left version is the front of the form, titled 'Heddlu De Cymru South Wales Police' and 'Wysbysiad O Bosh Bencoddydd Fixed Penalty Notice'. It contains fields for offence details, offender information, and payment options. The right version is the back of the form, titled 'Prifysgol Cymru Y Drindod Dewi Sant University of Wales Trinity Saint David', and contains detailed instructions for the recipient regarding the notice and payment process.

The rear of the 'Payment Slip Copy' explains the options in respect of the notice.

Individuals have an option to either:

- 1) Pay the notice within **28 days of issue** by post, telephone or online
- 2) Dispute the offence at court.

If the individual wishes to take the second option and dispute the matter then it will be necessary for them to complete Part 4 of the notice to indicate that they wish to do so.



Fixed Penalty Notices (F.P.Ns) – Endorsable

More serious road traffic offences:

- Failing to conform to a stop sign
- Contravening a red traffic light
- Parking in the controlled zone of a pedestrian crossing
- Speeding
- Defective tyres
- Using a mobile phone whilst driving



The endorsable FPN system is used to deal with more serious road traffic offences, for which penalty points may be awarded and endorsed on the offender's licence

Examples include:

Failing to conform to a stop sign

Contravening a red traffic light

Parking in a controlled area of a pedestrian crossing

Speeding

Defective tyres

Using mobile phone whilst driving

The Officer must be in possession of sufficient evidence to prove offence at time of issue

At the time of issue the notice can be 'full' or 'provisional'

Fixed Penalty Notices (F.P.Ns) – Endorsable

Offender **MUST** be present

Cannot be affixed to the vehicle

2 types – ‘Full’ and ‘Provisional’

An endorsable fixed penalty notice:

Can **only** be issued where offender is present

Cannot be attached to a vehicle

The offences for which this type of notice can be issued are set out on the cover of the Fixed Penalty book.



Fixed Penalty Notices (F.P.Ns) – ‘Full’ Endorsable

Driver **MUST** be able to produce
licence

Penalty points **MUST** be low enough
for FPN

Offender **agrees** to surrender licence

In order to proceed with a ‘full’ fixed penalty notice:

The driver **must** be able to produce their licence to the officer on request for inspection.

The Officer **must** ascertain that any penalty points on the licence are sufficiently low enough to enable a FPN to be issued – if too many points FPN cannot be issued and offender should be reported for summons

The offender **must** agree to surrender their licence – **this is voluntary** and there is **no power** to seize a licence under normal circumstances.

If the offender refuses to surrender their licence then you should report for summons.

Issue FPN and complete the driving licence receipt section which is then valid for two months and takes the place of a driving licence

Take possession of a driving licence which should be kept with the copies of the notice until they can be handed to a supervisory officer

If, for any of the above reasons, the FPN cannot be completed in full or all the requirements of the scheme cannot be complied with it will be regarded as a PROVISIONAL fixed penalty notice



Fixed Penalty Notices (F.P.Ns) – ‘Provisional’ Endorsable

Driver **unable** or **unwilling** to produce licence

Cannot be affixed to the vehicle

A ‘Provisional’ Endorsable Fixed Penalty Notice will apply where:

The driver is unable to produce driving licence for inspection

When issuing a ‘provisional’ Endorsable Fixed Penalty Notice

- Officer will complete the HORT/1 section of the FPN
- Driver has 7 days to produce driving licence at a police station

On production the licence will be inspected

If penalty points are low enough to enable the FPN process to continue, the driver will be asked to surrender their licence.

If person agrees, the receipt section of the FPN will be completed and this will be valid for two months taking the place of the driving licence

If person refuses to surrender licence or the penalty points do not allow the FPN process to continue – report for summons

If the person fails to produce driving licence within 7 days, the FPN process cannot be substantiated and the offender will be reported for summons



Fixed Penalty Notices (F.P.Ns) – Payment

Non-Endorsable – 28 days
from date of issue

Endorsable – 28 days from the
date of surrender of driving
licence



For both non-endorsable and endorsable FPNs, the offender has **28 days** to pay the fixed fine.

For a **non-endorsable FPN** the fine is payable within 28 days from the **date of issue** of the notice.

For an **endorsable FPN**, the fine is payable within 28 days from the **date of surrender of driving licence**

It is therefore payable within 28 days of the FPN being substantiated, or of becoming a FULL endorsable FPN.

The place to which the payment should be sent is specified on the FPN

Offers of payment for issued notices made to Police Officers, Special Constables, PCSOs will be refused and the offender advised to follow the instructions for payment on the notice

Fixed Penalty Notices (F.P.Ns) – Offender Options?



Pay full amount within 28 days

Elect Court within the 28 day period

Do nothing



Having received any type of fixed penalty notice, the offender has **three** options:

- Pay the full amount within the 28 day period
- Elect within the 28 day period for the case to be heard by a court
- Do nothing

If the offender chooses the last option and does nothing, after 28 days from the issue of the fixed penalty notice, the value of the fixed penalty notice is increased by 50% and registered with the court in the area where the offender lives.

The court then enforces the enhanced penalty as a fine.

This can result in the issue of a warrant should the individual fail to pay the required amount.

