

Penalty Notices

Criminal Laws (Amendment) Bill 2024

What are penalty notices?

Penalty notices are an out of court disposal whereby a person accused of a criminal offence pays a financial penalty instead of being prosecuted for the alleged offence. Penalty notices allow minor criminal offences to be dealt with in a proportionate manner without the case having to go to court. A penalty notice is not a conviction and does not appear on police record checks.

What does the Bill aim to do?

The Bill aims to create a new penalty notice scheme which applies to low-level road traffic offences. Under the current law, the only effective method of enforcement in relation to road traffic offences is for cases to be prosecuted. The Bill gives prosecutors the option of issuing a penalty notice for low-level road traffic offences instead of prosecuting cases in court. The aim is for minor road traffic offences to be dealt with in a proportionate manner that avoids court proceedings and does not result in a criminal conviction.

Under the penalty notice scheme the Royal Falkland Islands Police investigate road traffic offences in the normal manner and refer appropriate cases to the Prosecution Service for a charging decision to be made. Where there is sufficient evidence to prosecute the Prosecution Service can decide that it is in the public interest to issue a penalty notice instead of commencing a prosecution.

The Prosecution Service does not have to issue a penalty notice. If the alleged offence is sufficiently serious, such as speeding well beyond the speed limit, a penalty notice will not be issued and the case will be prosecuted in court in the normal manner. Where a person has received penalty notices in the past it may not be in the public interest to issue a further penalty notice and the case will be prosecuted instead.

Penalty notices are only available for low-level road traffic offences, such as lower level speeding, driving without a licence and driving without insurance.

The maximum penalty notice amount, per offence, is one third of the maximum fine which can be imposed by the court, up to the sum of £300 per offence.

Where a person pays a penalty notice amount in full, on or before the date set for payment, a prosecution cannot be commenced and the person will not be required to attend court. Payment of the penalty notice means that the person is no longer liable to prosecution for the offence to which the penalty notice relates.

A person issued with a penalty notice does not have to accept the notice. Where a person decides not to accept the notice, or chooses to ignore the notice, a prosecution will be commenced in the normal manner.

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