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5 - Minor offences

How are minor Highway Code offences dealt with?

If the local police discover breaches of the Highway Code, they may send the owner of the reported vehicle a form in order to find out the identity of the driver at the time of the facts. The Crown Prosecutor may then offer you the option of avoiding criminal prosecution by paying, by bank transfer, a sum of money to the value added tax authorities, land registration and estates department.

Payment of this amount avoids you having to be called to appear before the police court, and therefore incurring a higher fine and having to pay further court costs.

However, agreeing to pay in this way implies acknowledgement of your fault and liability with regard to any victims where your offence caused damage to another user.

Who deals with these offences?

The relevant police prosecution authorities are in charge of proposing these settlements. The criminal fines department within the tax authorities manages the accounting side of the payments made and informs the Public Prosecutor about them.

Procedure?

The proposed settlement is sent to the person who has committed the offence by recorded delivery letter or by means of a notice issued by a police officer. The deadline for payment varies between 15 days and 3 months, or even 6 months in exceptional cases.

Sanctions?

If you do not pay or refuse the proposed settlement, the Public Prosecutor summons the offender to appear before the police court in order to obtain his conviction to a penalty (fine, imprisonment, loss of driving licence) in accordance with the law.

Are nationals of other Member States prosecuted for these offences?

Yes.

How?

The police officer who discovers the offence proposes the settlement.

If it is refused, he can demand immediate payment of the minimum statutory fine, subject otherwise to immediate confiscation of the vehicle involved.

If the settlement is not accepted, the amount paid in advance may be reimbursed or deducted after the judgement by the police court.

How are other minor offences dealt with?

Antisocial behaviour (parking charges, public cleanliness) is managed by the district authorities. In the event of non-payment, you may be prosecuted before the local justice of the peace.

In social and tax matters, security at football matches, travel by rail and other public transport, specialist authorities are authorised to take receipt of administrative fines. Various legal remedies are available before the civil courts.

Are these offences listed on my criminal record?

Road traffic offences are noted on the criminal record. Administrative fines and fines relating to the law on football are not listed on the criminal record.

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