

NORTHAMPTONSHIRE POLICE

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Safer Roads Authorising Conditional Offer of Fixed Penalty

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Department Responsible	Prevention and Community Protection		
Author	[REDACTED]		
Senior Owner	Mark AINGE (NFRS)(E1058)		
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2. Introduction

This policy defines the process of authorising a conditional offer where an offence was detected by a member of Police Staff.

3. Legislative Compliance

This document has been drafted to comply with the principals of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individuals and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with Equal Opportunities legislation and policies. In addition, Data Protection, Freedom of Information and Health Safety issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all legislation and internal policies.

4. Policy Statement

The Road Traffic Act 1988

Section 75 to 77 of the Road Traffic Offenders Act 1988 - as amended, provides that where there is sufficient evidence to justify the commencement of criminal proceedings for certain offences and no fixed penalty has already been issued, then a conditional offer of fixed penalty may be made instead of a prosecution.

Police officers will authorise the use of a conditional offer where the following conditions are met.

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- The offence was detected by a trained and authorised operator
- The offence was detected using a Home Office Type Approved device with current Calibration -if required
- The offence speed is within the NPCC guidelines for a conditional offer
- The offence images are able to identify the offending vehicle
- The offence images are able to identify the offence being committed
- The offence is sufficient to sustain a prosecution.

This process will be regularly dip sampled by a Police Officer and records of those checks recorded.

5. Monitoring and review

The senior owner will review the content of this guidance annually to ensure that this is relevant and up to date. The author has agreed that this document will be reviewed within 12 months of the effective date.

6. Related Documents

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