



Ministry
of Justice

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Ms Penelope Gibbs
request-387854-268fa960@whatdotheyknow.com

3 March 2017

Dear Ms Gibbs,

Freedom of Information Act (FOIA) Request – FOI 110090

Thank you for your request received on 6 February 2017 in which you asked for the following information from the Ministry of Justice (MoJ):

I would like some information (any answers to the following questions would be appreciated) about driving offences dealt with online where those who plead guilty can pay a fixed penalty fee online. I understand that those pleading guilty are asked to send the paper part of their driving licence to the DVLA when they pay the fine. I have some questions associated with this process.

- 1) If the offender pays the fine, but does not send off the paper part of their driving licence, is he/she sent a reminder to do so?**
- 2) My understanding is that if the DVLA does not receive the paper licence within a certain number of days, the money paid for the fixed penalty is refunded and the case is sent to be dealt under the single justice procedure in the magistrate's court. Is this the case and, if so, what information do the offenders get about why their fixed penalty payment has been refunded?**
- 3) My understanding is that offenders end up paying more if their case goes to the magistrates' court. I would like to know how much the average fixed penalty is and how much the average TOTAL payment is when these cases are dealt with in the magistrates' court?**
- 4) I would like to know the following stats**
 - what proportion of those who plead guilty online to a motoring offence have their payment refunded because the paper licence has not been received by DVLA? what number does this represent (please give stats since online system set up)**
 - how many cases have been dealt with at magistrates' courts of people who originally pleaded guilty online?**
 - what proportion of motoring offences heard under the single justice procedure consist of those who pleaded guilty online (but are heard by the court because their paper licence was not received by DVLA).**
- 5) what does the DVLA do with the paper licences it receives? what processes are involved?**

Please note your request at **Q3** and **Q4** has been handled under the FOIA. **Q1, Q2 and Q5** have been handled outside of the FOIA. The FOIA gives individuals and organisations the right of access to all types of recorded information held, at the time the request is received, by public authorities. Section 84 of the FOIA states that in order for a request for information to be handled as a FOI request, it must be for recorded information. This does not apply to these questions **Q1, Q2 and Q5**.

Question 3

The average fixed penalty for motoring offences is as follows:

- A non-endorsable (where the driver does not receive points on their license) fixed penalty notice is £50
- An endorsable (where points are given) fixed penalty notice for speeding and camera offences and also for non-endorsable car related offences i.e. no tax, no mot etc is £100

When motoring offences have been detected, a conditional offer fixed penalty notice is issued, if this is not paid within the specified time, it can then be registered as a court fine and the cost increase by 50%.

- A non-endorsable fixed penalty notice increase to £75
- An endorsable Fixed Penalty Notice and non-endorsable fixed penalty notice increase to £150

Question 4

I can confirm that the MoJ does not hold the information that you have requested. This is because there is no legal or business requirement for MoJ to do so. The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty is to only provide the recorded information held.

Questions 1, 2 and 5

Outside the FOIA and at our discretion I can confirm that the paper counterpart to the photo card driving licence was abolished in June 2015. The paper part of a driving licence is no longer required by any fixed penalty office (FPO) and is no longer physically endorsed.

If the offender opts to pay the fixed penalty and makes the payment online they surrender their photo card licence to the FPO and not DVLA for the endorsement to be applied. If the police force decide to send the case to court for failing to comply with the terms of the conditional offer then any money paid to the FPO will be refunded. The refund is generated automatically when the police change the status on the penalty notice processing (PentiP) system and a file for court is prepared.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gsi.gov.uk

Data Access and Compliance Unit, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

J Baruah
Knowledge and Information Liaison Officer
National Compliance and Enforcement Service