Fixed Penalty Notices

The covid-19 regulations allow for fixed penalty notices to be issued to any one who they consider is breaking the regulations (see 2. Coronavirus police powers and their use on protests). This has been happening a lot, as i write in January 2021.

Fixed Penalty Notices for Disorder (FPND) popularly known as “on the spot fines” were invented by the Blair Government with the idea that wrongdoers would be “frogmarched to the cashpoint” by the police. This was not only impractical but so against the principles of law that it had to be revised.

You will get a notice telling you to pay a set sum in 28 days and that will be the end of it. However if you don’t pay it gets increased by 50% and registered as a court fine. A collection order is then added by the magistrates enabling the money to be deducted from wages and benefits or bailiffs being sent to seize your property.

To challenge the FPN: Send back the form asking to challenge it. The form then has to be processed by the Crown Prosecution Service who have to decide whether to take you to court. They have a two part test: 1) “Is there a better than 50/50 chance of conviction”; 2) “Is a prosecution in the public interest”. If they go ahead and you get to court, and then get convicted you can still only get a maximum penalty of a fine. The bigger the amount of the FPND the more important it is to challenge.

A fixed penalty notice is not a conviction, but will stay on police records and as such can be mentioned on an enhanced DBS check.