

Guidance on the Enforcement and Disposal of Speeding Offences

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1. Introduction

- 1.1 Every Chief Constable is directly accountable for the operational delivery of policing in their force area. As such they are free to set local policy and process against local priorities and community concerns.
- 1.2 Nothing in this NPCC guidance document prevents a Chief Constable from discharging those responsibilities.
- 1.3 This NPCC guidance document aims to provide a framework to achieve general consistency across UK policing on the enforcement and disposal of speeding offences.
- 1.4 This NPCC Guidance document supersedes all other documents that purport to offer national guidance to police forces on the enforcement and disposal of speeding offences.
- 1.5 This NPCC guidance document does not amount to legal advice.

2. Speed Limits

- 2.1 Preventing harm and saving lives is a core mission of policing. It is entirely appropriate, legitimate and necessary to tackle drivers who break the law by engaging in behaviours that cause harm. This means addressing those crimes that cause death and serious injury on our roads and that includes speeding.
- 2.2 Unlike most other crime, road users are both potential victims and potential offenders every day. Abiding by the laws of the road, which are designed first and foremost to protect life, reduces the chances of being killed or seriously injured in a collision or causing a fatal or serious collision.
- 2.3 [The Department for Transport Circular 01/2013](#) deals with the setting of speed limits in England. In Wales and Scotland speed limits are determined by the devolved government. The Department for Infrastructure (DfI) Roads is responsible for introducing local speed limits in Northern Ireland.
- 2.4 Because of the emergence of managed motorways, speed limits are often in place to moderate traffic flow and mean they can be changed to reflect real time conditions. In the case of the Strategic Road Network in England, National Highways determines the speed limit.
- 2.5 In addition, there are speed limits in place in some local authority areas to improve air quality.
- 2.6 While the police may be involved in some local processes of determining an appropriate speed limit for a given road, the main role of the police is to enforce the posted speed limit regardless of how that limit has been determined.

3. Enforcement

3.1 Driving (which includes riding hereafter) on UK roads is an entitlement that requires the demonstration of an ability to drive safely with due regard to all other road users and within the posted speed limit. An inability to observe the speed limit during the UK driving test will result in a failed test.

3.2 The enforcement of speeding offences involves degrees of discretion beyond the actual limit. Enforcement encompasses a range of options that allows public confidence to be maintained in an area of policing that often polarises public debate.

3.3 Options open to the police for dealing with offending drivers generally fall into one of the following categories:

- No further action or words of advice
- Issue a Traffic Offence Report (or similar which allows for back-office decision making)
- Offer a National Speed Awareness Course (subject to suitability criteria)
- Issue a Fixed Penalty Notice leading to a fine and 3 penalty points
- Summons to court leading to a fine and 3 or more penalty points or disqualification

3.4 The disposal option may vary depending on the individual circumstances of the offence. It might be appropriate to issue a summons for exceeding the speed limit at relatively low speeds on roads near schools at certain times of the day, or when there are adverse weather conditions, whereas a similar offence committed in the middle of the night or outside school term dates might merit a fixed penalty notice or words of advice.

3.5 However, a significant majority of speeding offences are detected by speed camera devices and due to their very nature, they do not account for any mitigating factors. This can create a perceived lack of procedural justice and fairness. Inconsistency in enforcement decisions may undermine public confidence in the way police deal with speeding offences.

3.6 Therefore, this NPCC guidance document aims to achieve national consistency for enforcement but also acknowledges that effective police discretion and professional judgement is just as important when it can be applied.

3.7 In all but the most serious offences of speeding, there are at each stage in the enforcement and subsequent prosecution process, opportunities for drivers to avoid a driving disqualification. The penalty points system is generally incremental and save for the most serious of offences, only those who persistently offend, so called ‘totting up’, will eventually be disqualified from driving.

3.8 There are other offences under the Road Traffic Act that may be more suitable to prosecute in certain circumstances where illegal, or often inappropriate speeding is an aggravating factor, dangerous or careless driving for example.

4. Education

- 4.1 The National Driver Offender Retraining Scheme (NDORS) originated from a recommendation made by Dr Sir Peter North in his Road Traffic Law Review of 1988. This report, commissioned by the Department of Transport, made many recommendations that are now part of normal enforcement activity.
- 4.2 NDORS is unique to the UK and was developed as an alternative to penalty points and fines. UK Road Offender Education (UKROEd) operate, manage, administer and develop NDORS on behalf of the Police Service.
- 4.3 Section 89 Police, Crime, Sentencing and Courts Act 2022 provides a clear statutory footing for the charging of fees for approved courses offered as an alternative to prosecution for road traffic Fixed Penalty Notice offences, including speeding offences.
- 4.4 The use of approved courses as a disposal option must only be used if there is enough evidence against the offender to provide a realistic prospect of conviction should the allegation of an offence be challenged.
- 4.5 The UKROEd National Speed Awareness Course (NSAC) is the appropriate educational disposal option for qualifying speeding offences. The course has the aim of improving driver knowledge and behaviour whilst on the road.
- 4.6 NSAC is available nationwide and an offender can choose any course provider to deliver their course. NSAC is also offered as an online course (iNSAC). Because the course is approved and controlled by UKROEd the content is the same wherever it is delivered meaning all drivers receive the same educational input.
- 4.7 NSAC is a diversion from prosecution and is offered at the discretion of the enforcing police force.
- 4.8 An offender has no automatic right to NSAC irrespective of how low the offending speed was.
- 4.9 An offender is not eligible for NSAC if they have attended an NSAC in the previous 3 years.
- 4.10 Although there is nothing to prevent police forces delivering local initiatives for the education of offenders committing speeding offences, such initiatives will not be endorsed by NPCC.

5. Disposal Thresholds for Speeding Offences

- 5.1 Thresholds for disposal options are included in this guidance so that police forces are consistent in their approach when dealing with those committing speeding offences.
- 5.2 While this is a transparent approach, it has also resulted in the creation of a pseudo speed limit with many drivers understanding that they are unlikely to face any enforcement action unless they are speeding well beyond the posted limit, 35mph in a 30mph limit or 68mph in a 60mph limit, for example.
- 5.3 Nothing in this guidance restricts police forces from prosecuting for speeds falling below the thresholds. However, such decisions should be taken on a case-by-case basis with due regard to the individual circumstances of the offence and relevant signage and engineering in place at the time.
- 5.4 [The Road Traffic Offenders' Act 1988 \(amended by the Road Traffic Act 1991\)](#) allows for Type Approved devices to be used for the detection of the speed of motor vehicles. Type Approved devices are required to give a positive error no larger than 2 mph or 3% above 66 mph, it is therefore possible to enforce against these tolerances.
- 5.5 However, thresholds do provide suitable transparency in the approach to police enforcement, while allowing for some deviance from the posted limit, but without allowing any additional and unnecessary mph allowance.
- 5.6 Where enforcement action is deemed necessary beyond words of advice, the following table provides guidance to achieve national consistency for speeding offence disposal options.

Speed Limit	Device Tolerance	National Speed Awareness Course (NSAC) where eligibility criteria met		Fixed Penalty Notice (FPN) (where NSAC eligibility criteria not met or FPN deemed more appropriate)	Summons in all other cases and from
		From	to	From	
20mph	22mph	24mph	31mph	24mph	36mph
30mph	32mph	35mph	42mph	35mph	51mph
40mph	42mph	46mph	53mph	46mph	67mph
50mph	52mph	57mph	64mph	57mph	77mph
60mph	62mph	68mph	75mph	68mph	87mph
70mph	73mph	79mph	86mph	79mph	97mph

6. Emergency Service Drivers

- 6.1 [Section 87 Road Traffic Regulation Act 1984](#) provides an exemption to the speed limit for a vehicle when it is being used for fire, ambulance or police purposes, if the observance of that speed limit would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.
- 6.2 Following a Judicial Review ruling issued on 19th November 2021, Blood Bike services do not fall within the scope of emergency service vehicles as defined in the relevant regulations and therefore cannot be exempt from speed limits.
- 6.3 The exemption does extend to a vehicle being used for National Crime Agency purposes, or for training persons to drive vehicles for use for National Crime Agency purposes.
- 6.4 Notwithstanding the legality of an exemption for the posted speed limit, Roads Policing Authorised Professional Practice (APP) reminds police drivers that the National Decision Model (NDM) underpins all decision making by allowing staff to manage their response to a given situation in a reasonable and proportionate manner.
- 6.5 All emergency service drivers have many competing demands when driving vehicles operationally. The act of driving to attend a call for service or incident must always be regarded as an integral part of the overall response to the incident itself.
- 6.6 Decisions that relate to the appropriate use of speed, whether exceeding the posted limit or not, must be made by drivers on a case by case basis, considering all the available information and individual circumstances known at the relevant time.
- 6.7 Police forces should have arrangements in place to scrutinise applications for speeding offence exemptions for all emergency services to ensure there is transparency within their processes.
- 6.8 As a minimum, these should include a process of dip sampling to ensure applications for speeding offence exemptions identify the purpose for which the vehicle was being used at the time of exceeding the speed limit.
- 6.9 Where an emergency service driver commits a speeding offence while on duty for which there is no lawful exemption, the disposal thresholds for speeding offences in section 5 should apply. This includes the provision of NSAC where the eligibility criteria are met.

7. Other Considerations

- 7.1 Speed limit enforcement is an integral part of overall roads safety, as is education and engineering. While there are many partners involved in wider roads safety, police forces are the only agency who can enforce the laws relating to speed limits.
- 7.2 Community concerns relating to speeding are regularly communicated to police Chief's. The long-term trend for these offences continues to rise and therefore enforcement levels, education and prosecution is likely to continue to rise.
- 7.3 Ensuring the police approach is as fair and transparent as it can be, this guidance is available in the public domain.
- 7.4 The ultimate objectives of speed limit enforcement are to prevent harm and save lives on UK roads, tackle the criminality of speeding drivers, embrace technology and innovation that can help drivers stay within the law, and of course change minds towards speeding and its consequences.