



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

Proceedings in fixed penalty cases

78 General restriction on proceedings.

- (1) Proceedings shall not be brought against any person for the offence to which a fixed penalty notice relates until the end of the suspended enforcement period.
- (2) Proceedings shall not be brought against any person for the offence to which a fixed penalty notice relates if the fixed penalty is paid in accordance with this Part of this Act before the end of the suspended enforcement period.

79 Statements by constables.

- (1) In any proceedings a certificate that a copy of a statement by a constable [^{F1}or vehicle examiner] with respect to the alleged offence (referred to in this section as a “[^{F2}relevant] witness statement”) was included in or given with a fixed penalty notice or a notice under section [^{F3}54(5)] of this Act given to the accused on a date specified in the certificate shall, if the certificate purports to be signed by the ^{F4}... person who gave the accused the notice, be evidence of service of a copy of that statement by delivery to the accused on that date.
- (2) In any proceedings a certificate that a copy of a [^{F5}relevant] witness statement was included in or served with a notice to owner served on the accused in the manner and on a date specified in the certificate shall, if the certificate purports to be signed by any person employed [^{F6}as a civilian police employee][^{F7}, or by a police volunteer designated under section 38 of the Police Reform Act 2002,] for the police area in which the offence to which the proceedings relate is alleged to have been committed [^{F8}or on behalf of the Secretary of State], be evidence of service in the manner and on the date so specified both of a copy of that statement and of the notice to owner.

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- (3) Any address specified in any such certificate as is mentioned in subsection (2) above as being the address at which service of the notice to owner was effected shall be taken for the purposes of any proceedings in which the certificate is tendered in evidence to be the accused's proper address, unless the contrary is proved.
- (4) Where a copy of a [^{F9}relevant] witness statement is included in or served with a notice to owner served in any manner in which the notice is authorised to be served under this Part of this Act, the statement shall be treated as duly served for the purposes of section 9 of the ^{M1}Criminal Justice Act 1967 (proof by written statement) notwithstanding that the manner of service is not authorised by [^{F10}Criminal Procedure Rules].
- (5) In relation to any proceedings in which service of a [^{F9}relevant] witness statement is proved by certificate under this section—
- (a) that service shall be taken for the purposes of subsection (2)(c) of that section (copy of statement to be tendered in evidence to be served before hearing on other parties to the proceedings by or on behalf of the party proposing to tender it) to have been effected by or on behalf of the prosecutor, and
 - (b) subsection (2)(d) of that section (time for objection) shall have effect with the substitution, for the reference to seven days from the service of the copy of the statement, of a reference to seven days from the relevant date.
- [^{F11}(5A) For the purposes of subsection (2), a person is employed as a civilian police employee for a police area if—
- (a) in the case of a police area listed in Schedule 1 to the Police Act 1996, the person is a member of the civilian staff of the police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011) maintained for that area;
 - (b) in the case of the metropolitan police district, the person is a member of the civilian staff of the metropolitan police force (within the meaning of that Part of that Act);
 - (c) in the case of the City of London, the person is employed by the Common Council of the City of London in its capacity as police authority.]
- (6) In subsection (5)(b) above “relevant date” means—
- (a) where the accused gives notice requesting a hearing in respect of the offence in accordance with any provision of this Part of this Act, the date on which he gives that notice, and
 - (b) where a notice in respect of the offence was given to the accused under section [^{F12}54(5)] of this Act but no fixed penalty notice is given in respect of it, the last day for [^{F13}delivery of the notice].
- (7) This section does not extend to Scotland.

Textual Amendments

- F1** Words in s. 79(1) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 1 para. 18\(2\)\(a\)](#); S.I. 2008/3164, art. 3(b)
- F2** Word in s. 79(1) substituted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 1 para. 18\(2\)\(b\)](#); S.I. 2008/3164, art. 3(b)
- F3** Word in s. 79(1) substituted (8.6.2015) by [The Road Safety Act 2006 \(Consequential Amendments\) Order 2015 \(S.I. 2015/583\)](#), art. 1(1), [Sch. 2 para. 3\(f\)\(i\)](#)

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- F4** Words in s. 79(1) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 18(2)(c), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)
- F5** Word in s. 79(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(3)(a)**; S.I. 2008/3164, art. 3(b)
- F6** Words in s. 79(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 198(2)**; S.I. 2011/3019, art. 3, Sch. 1
- F7** Words in s. 79(2) inserted (E.W.) (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 9**
- F8** Words in s. 79(2) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(3)(b)**; S.I. 2008/3164, art. 3(b)
- F9** Word in s. 79(4)(5) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(4)**; S.I. 2008/3164, art. 3(b)
- F10** Words in s. 79(4) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 80(6)(b)**, 115(7); S.I. 2015/994, art. 6(m)
- F11** S. 79(5A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 198(3)**; S.I. 2011/3019, art. 3, Sch. 1
- F12** Word in s. 79(6)(b) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 3(f)(ii)**
- F13** Words in s. 79(6) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(5)**; S.I. 2008/3164, art. 3(b)

Marginal Citations

- M1** 1967 c. 80.

80 Certificates about payment.

In any proceedings a certificate—

- (a) that payment of a fixed penalty was or was not received, by a date specified in the certificate, by the ^{F14}person to whom it was required to be paid], or
- (b) that a letter containing an amount sent by post in payment of a fixed penalty was marked as posted on a date so specified,

shall, if the certificate purports to be signed by the ^{F14}person to whom it was required to be paid], be evidence (and, in Scotland, sufficient evidence) of the facts stated.

Textual Amendments

- F14** Words in s. 80 substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 19**; S.I. 2008/3164, art. 3(b)

81 Documents signed by the accused.

(1) Where—

- (a) any person is charged with a fixed penalty offence, and
- (b) the prosecutor produces to the court a document to which this subsection applies purporting to have been signed by the accused,

the document shall be presumed, unless the contrary is proved, to have been signed by the accused and shall be evidence (and, in Scotland, sufficient evidence) in the proceedings of any facts stated in it tending to show that the accused was the owner, the hirer or the driver of the vehicle concerned at a particular time.

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- (2) Subsection (1) above applies to any document purporting to be—
- (a) a notice requesting a hearing in respect of the offence charged given in accordance with a fixed penalty notice relating to that offence, or
 - (b) a statutory statement of any description defined in Schedule 4 to this Act or a copy of a statement of liability within the meaning of section 66 of this Act provided in response to a notice to owner.

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