



# Road Traffic Act 1974

## 1974 CHAPTER 50

### *Liability of vehicle owners*

#### **1 Liability of vehicle owner in respect of certain fixed penalty offences**

(1) This section applies where—

- (a) a fixed penalty notice has been given under subsection (2), or affixed to a vehicle under subsection (7), of section 80 of the 1967 Act; and
- (b) the fixed penalty notice relates to an offence committed in respect of a stationary vehicle and falling within any of paragraphs (a) to (c) and (f) of subsection (1) of that section, other than the offence mentioned in paragraph (b) of that subsection of obstructing a road; and
- (c) the fixed penalty has not been paid within the period of 21 days mentioned in subsection (3) of that section or, if it is longer, the period fixed for payment by the fixed penalty notice.

(2) Subject to the following provisions of this section,—

- (a) for the purposes of the institution of proceedings in respect of the alleged offence against any person as being the owner of the vehicle at the relevant time, and
- (b) in any proceedings in respect of the alleged offence brought against any person as being the owner of the vehicle at the relevant time,

it shall be conclusively presumed (notwithstanding that that person may not be an individual) that he was the driver of the vehicle at that time and, accordingly, that acts or omissions of the driver of the vehicle at that time were his acts or omissions.

(3) Subsection (2) above shall not apply in relation to any person unless, within the period of 6 months beginning on the day on which the fixed penalty notice was given or affixed as mentioned in subsection (1)(a) above, a notice under subsection (6) below has been served on him by or on behalf of the chief officer of police.

(4) If the person on whom a notice under subsection (6) below is served in accordance with subsection (3) above was not the owner of the vehicle at the relevant time,

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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subsection (2) above shall not apply in relation to him if he furnishes a statutory statement of ownership to that effect in compliance with the notice.

- (5) The presumption in subsection (2) above shall not apply in any proceedings brought against any person as being the owner of the vehicle at the relevant time if, in those proceedings, it is proved—
- (a) that at the relevant time the vehicle was in the possession of some other person without the consent of the accused; or
  - (b) that the accused was not the owner of the vehicle at the relevant time and that he has a reasonable excuse for failing to comply with the notice under subsection (6) below served on him in accordance with subsection (3) above.
- (6) A notice under this subsection shall be in the prescribed form, shall give particulars of the alleged offence and of the fixed penalty concerned and shall provide that, unless the fixed penalty is paid before the expiry of the appropriate period, the person on whom the notice is served—
- (a) is required, before the expiry of that period, to furnish to the chief officer of police by or on behalf of whom the notice was served a statutory statement of ownership (as defined in Part I of Schedule 1 to this Act); and
  - (b) is invited, before the expiry of that period, to furnish to that chief officer of police a statutory statement of facts (as defined in Part II of Schedule 1 to this Act).
- (7) If, in any case where—
- (a) a notice under subsection (6) above has been served on any person, and
  - (b) the fixed penalty specified in the notice is not paid within the appropriate period,
- the person so served fails without reasonable excuse to comply with the notice by furnishing a statutory statement of ownership, he shall be liable on summary conviction to a fine not exceeding £100.
- (8) If, in compliance with or in response to a notice under subsection (6) above, any person furnishes a statement which is false in a material particular and does so recklessly or knowing it to be so false, he shall be liable on summary conviction to a fine not exceeding £400.
- (9) Without prejudice to section 80(2) of the 1967 Act (payment of fixed penalty before proceedings are begun a bar to conviction) where a notice under subsection (6) above has been served on any person,—
- (a) payment of the fixed penalty by any person before the date on which proceedings are begun against the person so served for an offence under subsection (7) above in respect of a failure to comply with the notice shall discharge any liability of his for that offence; and
  - (b) conviction of any person of the offence specified in the notice shall discharge the liability of any other person (under this or any other enactment) for that offence and the liability of any person for an offence under subsection (7) above in respect of a failure to comply with the notice ; and
  - (c) conviction of the person so served of an offence under subsection (7) above in respect of a failure to comply with the notice shall discharge the liability of any person for the offence specified in the notice;

but, except as provided by this subsection, nothing in this section shall affect the liability of any person for an offence specified in a notice under subsection (6) above.