



# Road Traffic Offenders Act 1988

## 1988 CHAPTER 53

### PART I

#### TRIAL

##### *Trial*

#### 9 Mode of trial.

An offence against a provision of the Traffic Acts specified in column 1 of Part I of Schedule 2 to this Act or regulations made under such a provision (the general nature of which offence is indicated in column 2) shall be punishable as shown against the offence in column 3 (that is, on summary conviction or on indictment or in either one way or the other).

#### 10 Jurisdiction of district court in Scotland.

- (1) Notwithstanding anything in any enactment or rule of law to the contrary, a [<sup>F1</sup>justice of the peace court] in Scotland may try—
- (a) any fixed penalty offence (within the meaning of Part III of this Act), and
  - (b) any other offence in respect of which a conditional offer (within the meaning of sections 75 to 77 of this Act) may be sent.

<sup>F2</sup>(2) .....

#### Textual Amendments

- F1** Words in [s. 10\(1\)](#) substituted (S.) (10.3.2008 for specified purposes, 2.6.2008 for specified purposes, 8.12.2008 for specified purposes, 23.2.2009 for specified purposes, 14.12.2009 for specified purposes, 22.2.2010 in so far as not already in force) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), s. 84(1), [sch. para. 7\(a\)](#); S.S.I. 2008/42, art. 3, sch.; S.S.I. 2008/192, art. 3, sch.; S.S.I. 2008/329, art. 3, sch.; S.S.I. 2008/362, art. 3, sch.; S.S.I. 2009/432, art. 3, sch. 1, sch. 2

*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F2** S. 10(2) repealed (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(Powers of District and JP Courts\) Order 2007 \(S.I. 2007/3480\)](#), arts. 1(1), **2(1)(a)**

## 11 Evidence by certificate as to driver, user or owner.

- (1) In any proceedings in England and Wales for an offence to which this section applies, a certificate in the prescribed form, purporting to be signed by a constable and certifying that a person specified in the certificate stated to the constable—
- (a) that a particular [<sup>F3</sup>mechanically propelled vehicle] was being driven or used by, or belonged to, that person on a particular occasion, or
  - (b) that a particular [<sup>F3</sup>mechanically propelled vehicle] on a particular occasion was used by, or belonged to, a firm and that he was, at the time of the statement, a partner in that firm, or
  - (c) that a particular [<sup>F3</sup>mechanically propelled vehicle] on a particular occasion was used by, or belonged to, a corporation and that he was, at the time of the statement, a director, officer or employee of that corporation,
- shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or to whom it belonged, as the case may be, on that occasion.
- (2) Nothing in subsection (1) above makes a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.
- (3) Nothing in subsection (1) above makes a certificate admissible as evidence in proceedings for an offence—
- (a) unless a copy of it has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence, or
  - (b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.
- [<sup>F4</sup>(3A) Where the proceedings mentioned in subsection (1) above are proceedings before a magistrates' court inquiring into an offence as examining justices this section shall have effect with the omission of—
- (a) subsection (2), and
  - (b) in subsection (3), paragraph (b) and the word “or” immediately preceding it.]
- (4) In this section “prescribed” means prescribed by rules made by the Secretary of State by statutory instrument.
- (5) Schedule 1 to this Act shows the offences to which this section applies.

### Textual Amendments

- F3** Words in s. 11(1) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4 para. 84**; [S.I. 1992/1286](#), art. 2, **Sch.**
- F4** S. 11(3A) inserted (8.3.1997) (EW) by [1996 c. 25, s. 47, Sch. 1 Pt. II](#), para. 35 (with s. 78(1)); [S.I. 1997/683](#), art. 1(2)

*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C1** S. 11 extended by Greater London Council (General Powers) Act 1974 (c. xxxiv, SIF 107:1), s. 15(2) (b) (as amended by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 3 para. 12\(a\)](#) )
- C2** S. 11: power to extend conferred by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. [96\(2\)\(d\)](#) (as substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 3 para. 25\(e\)](#) )

**12 Proof, in summary proceedings, of identity of driver of vehicle.**

- (1) Where on the summary trial in England and Wales of an information for an offence to which this subsection applies—
- it is proved to the satisfaction of the court, on oath or in manner prescribed by [<sup>F5</sup>Criminal Procedure Rules], that a requirement under section 172(2) of the <sup>M1</sup>Road Traffic Act 1988 to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post, and
  - a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,
- the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.
- (2) Schedule 1 to this Act shows the offences to which subsection (1) above applies.
- (3) Where on the summary trial in England and Wales of an information for an offence to which section 112 of the <sup>M2</sup>Road Traffic Regulation Act 1984 applies—
- it is proved to the satisfaction of the court, on oath or in manner prescribed by [<sup>F6</sup>Criminal Procedure Rules], that a requirement under section 112(2) of the Road Traffic Regulation Act 1984 to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post, and
  - a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,
- the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.
- <sup>F7</sup>(4) In summary proceedings in Scotland for an offence to which section 20(2) of the [<sup>F8</sup>this Act]] applies, where—
- it is proved to the satisfaction of the court that a requirement under section 172(2) of the Road Traffic Act 1988 to give information as to the identity of a driver on a particular occasion to which the complaint relates has been served on the accused by post, and
  - a statement in writing is produced to the court, purporting to be signed by the accused, that the accused was the driver of that vehicle on that occasion,
- that statement shall be sufficient evidence that the accused was the driver of the vehicle on that occasion.

*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

- F5** Words in s. 12(1)(a) substituted (1.9.2004) by [Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\), art. 2\(1\), Sch. para. 30](#) (with art. 2(2))
- F6** Words in s. 12(3)(a) substituted (1.9.2004) by [Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\), art. 2\(1\), Sch. para. 30](#) (with art. 2(2))
- F7** S. 12(4) added (1.4.1993 only for the purposes of summary criminal proceedings in Scotland which are commenced on or after 1.4.1993) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), s. 48, Sch. 4 para. 85; S.I. 1993/975, art. 2 Sch.](#)
- F8** Words in s. 12(4) (as proposed to be inserted by 1991 c. 40, [Sch. 4 para. 85](#)) substituted (S.) (29.3.1993) by [1993 c. 9, s. 47\(1\), Sch. 5 para. 5](#) (with s. 47(2), Sch. 6 paras. 1, 2)

#### Modifications etc. (not altering text)

- C3** S. 12 extended by [Greater London Council \(General Powers\) Act 1974 \(c. xxiv, SIF 107:1, s. 15\(2\) \(b\) \(as amended by \[Road Traffic \\(Consequential Provisions\\) Act 1988 \\(c. 54, SIF 107:1\\), s. 4, Sch. 3 para. 12\\(a\\)\]\(#\)\)](#)

#### Marginal Citations

- M1** [1988 c. 52.](#)
- M2** [1984 c. 27.](#)

### 13 Admissibility of records as evidence.

- (1) This section applies to a statement contained in a document purporting to be—
- a part of the records maintained by the Secretary of State in connection with any functions exercisable by him by virtue of Part III of the Road Traffic Act 1988 or a part of any other records maintained by the Secretary of State with respect to vehicles [or of any records maintained with respect to vehicles by an approved testing authority in connection with the exercise by that authority of any functions conferred on such authorities, or on that authority as such an authority, by or under any enactment], or
  - a copy of a document forming part of those records, or
  - a note of any information contained in those records,
- and to be authenticated by a person authorised in that behalf by the Secretary of State.
- (2) A statement to which this section applies shall be admissible in any proceedings as evidence (in Scotland, sufficient evidence) of any fact stated in it to the same extent as oral evidence of that fact is admissible in those proceedings.

[<sup>F9</sup>(3) In the preceding subsections, except in Scotland—

“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

“document” means anything in which information of any description is recorded; and

“statement” means any representation of fact, however made.

[ In any case where—

- <sup>F10</sup>(3A) (a) a person is convicted by a magistrates’ court of a summary offence under the Traffic Acts or the Road Traffic (Driver Licensing and Information Systems) Act 1989,

*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) a statement to which this section applies is produced to the court in the proceedings,
  - (c) the statement specifies an alleged previous conviction of the accused of an offence involving obligatory endorsement or an order made on the conviction, and
  - (d) the accused is not present in person before the court when the statement is so produced,
- the court may take account of the previous conviction or order as if the accused had appeared and admitted it.
- (3B) Section 104 of the Magistrates’ Courts Act 1980 (under which previous convictions may be adduced in the absence of the accused after giving him seven days’ notice of them) does not limit the effect of subsection (3A) above.]
- (3A) In Scotland, in the preceding subsections “ document ” and “ statement ” have the same meanings as in section 17(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and the reference to a copy of a document shall be construed in accordance with section 17(4) of that Act; but nothing in this subsection shall be construed as limiting to civil proceedings the references to proceedings in subsection (2) above. ]
- (4) In any case where—
- (a) a statement to which this section applies is produced to a magistrates’ court in any proceedings for an offence involving obligatory or discretionary disqualification, [<sup>F11</sup>other than a summary offence under any of the enactments mentioned in subsection (3A)(a) above].
  - (b) the statement specifies an alleged previous conviction of an accused person of any such offence or any order made on the conviction,
  - (c) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed by [<sup>F12</sup>Criminal Procedure Rules], that not less than seven days before the statement is so produced a notice was served on the accused, in such form and manner as may be so prescribed, specifying the previous conviction or order and stating that it is proposed to bring it to the notice of the court in the event of or, as the case may be, in view of his conviction, and
  - (d) the accused is not present in person before the court when the statement is so produced,
- the court may take account of the previous conviction or order as if the accused had appeared and admitted it.
- (5) Nothing in the preceding provisions of this section enables evidence to be given in respect of any matter other than a matter of a description prescribed by regulations made by the Secretary of State.
- (6) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F13</sup>(7) Where the proceedings mentioned in subsection (2) above are proceedings before a magistrates’ court inquiring into an offence as examining justices this section shall have effect as if—
- (a) in subsection (2) the words “to the same extent as oral evidence of that fact is admissible in those proceedings” were omitted;
  - (b) in subsection (4) the word “and” were inserted at the end of paragraph (a);

*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) in subsection (4), paragraphs (c) and (d) and the words “as if the accused had appeared and admitted it” were omitted.]

#### Textual Amendments

- F9** S. 13(3) substituted for s. 13(3)(3A) (31.1.1997) by 1995 c. 38, s. 15(1), **Sch. 1 para. 15**; S.I. 1996/3217, **art. 2**
- F10** S. 13(3A)(3B) inserted after s. 13(3) (1.9.1998) by 1998 c. 15 s. 2(1); S.I. 1998/1837, **arts. 2, 3**
- F11** Words in s. 13(4)(a) inserted (1.9.1998) by 1998 c. 15, **s. 2(2)**; S.I. 1998/1837, **arts. 2, 3**
- F12** Words in s. 13(4)(c) substituted (1.9.2004) by Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), **art. 2(1)**, **Sch. para. 31** (with art. 2(2))
- F13** S. 13(7) inserted (8.3.1997) (EW) by 1996 c. 25, s. 47, **Sch. 1 Pt. II para. 36**; S.i. 1997/683, art. 1(2)

## 14 Use of records kept by operators of goods vehicles.

In any proceedings [<sup>F14</sup>for an offence under section 40A of the Road Traffic Act 1988 or] for a contravention of or failure to comply with construction and use requirements (within the meaning of Part II of the <sup>M3</sup>Road Traffic Act 1988) or regulations under section 74 of that Act, any record purporting to be made and authenticated in accordance with regulations under that section shall be evidence (and in Scotland sufficient evidence) of the matters stated in the record and of its due authentication.

#### Textual Amendments

- F14** Words in s. 14 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.86**; S.I. 1992/1286, **art. 2**,Sch.

#### Marginal Citations

- M3** 1988 c. 52.

## 15 Use of specimens in proceedings for an offence under section 4 or 5 of the Road Traffic Act.

- (1) This section and section 16 of this Act apply in respect of proceedings for an offence under [<sup>F15</sup>section 3A, 4 or 5 of the Road Traffic Act 1988 (driving offences connected with drink or drugs)]; and expressions used in this section and section 16 of this Act have the same meaning as in [<sup>F16</sup>sections 3A to 10] of that Act.
- (2) Evidence of the proportion of alcohol or any drug in a specimen of breath, blood or urine provided by [<sup>F17</sup>or taken from]the accused shall, in all cases [<sup>F18</sup>(including cases where the specimen was not provided [<sup>F19</sup>or taken]in connection with the alleged offence)], be taken into account and, subject to subsection (3) below, it shall be assumed that the proportion of alcohol in the accused’s breath, blood or urine at the time of the alleged offence was not less than in the specimen.

<sup>F20</sup>(3) That assumption shall not be made if the accused proves—

- (a) that he consumed alcohol before he provided the specimen [<sup>F21</sup>or had it taken from him]] and—
- (i) in relation to an offence under section 3A, after the time of the alleged offence, and

*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (ii) otherwise, after he had ceased to drive, attempt to drive or be in charge of a vehicle on a road or other public place, and
  - (b) that had he not done so the proportion of alcohol in his breath, blood or urine would not have exceeded the prescribed limit and, if it is alleged that he was unfit to drive through drink, would not have been such as to impair his ability to drive properly.
- (4) A specimen of blood shall be disregarded [<sup>F22</sup>unless—
  - (a) it was taken from the accused with his consent and either—
    - (i) in a police station by a medical practitioner or a registered health care professional; or
    - (ii) elsewhere by a medical practitioner;
  - or
  - (b) it was taken from the accused by a medical practitioner under section 7A of the Road Traffic Act 1988 and the accused subsequently gave his permission for a laboratory test of the specimen.]
- (5) Where, at the time a specimen of blood or urine was provided by the accused, he asked to be provided with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless—
  - (a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen provided by the accused was divided at the time it was provided, and
  - (b) the other part was supplied to the accused.
- [<sup>F23</sup>(5A) Where a specimen of blood was taken from the accused under section 7A of the Road Traffic Act 1988, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless—
  - (a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and
  - (b) any request to be supplied with the other part which was made by the accused at the time when he gave his permission for a laboratory test of the specimen was complied with.]

#### Textual Amendments

- F15** Words in s. 15(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 87(2)**; S.I. 1992/1286, art. 2, **Sch.**
- F16** Words in s. 15(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 87(2)**; S.I. 1992/1286, art. 2, **Sch.**
- F17** Words in S. 15(2) inserted (1.10.2002) by 2002 c. 53, s. 57(1), S.I. 2002/2306 art. 2(d)(v)
- F18** Words in s. 15(2) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 87(3)**; S.I. 1992/1286, art. 2, **Sch.**
- F19** Words in s. 15(2) inserted (1.10.2002) by 2002 c. 53, s. 57(1), S.I. 2002/2306, art. 2(d)(v)
- F20** S. 15(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 87(4)**; S.I. 1992/1286, art. 2, **Sch.**
- F21** Words in s. 15(3)(a) inserted (1.10.2002) by 2002 c. 53, s. 57(2), S.I. 2002/2306, art. 2(d)(v)
- F22** Words in s. 15(4) substituted (1.10.2002) except for the words “or a registered health care professional”) by 2002 c. 30, s. 57(3), S.I. 2002/2306, art. 2(d)(v)
- F23** S. 15(5A) inserted (1.10.2002) by 2002 c. 53, s. 57(4), S.I. 2002/2306, art. 2(d)(v)

*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### **Modifications etc. (not altering text)**

- C4** S. 15 applied (with modifications) (29.3.2004 for specified purposes, 30.3.2004 in so far as not already in force) by [Railways and Transport Safety Act 2003 \(c. 20\), s. 83\(1\)\(3\)](#); S.I. 2004/827, arts. 2, 3(f)
- C5** S. 15 applied (with modifications) (29.3.2004 for specified purposes, 30.3.2004 in so far as not already in force) by [Railways and Transport Safety Act 2003 \(c. 20\), s. 96\(1\)\(3\)](#); S.I. 2004/827, arts. 2, 3(s)

## **16 Documentary evidence as to specimens in such proceedings.**

- (1) Evidence of the proportion of alcohol or a drug in a specimen of breath, blood or urine may, subject to subsections (3) and (4) below and to section 15(5) [<sup>F24</sup>and (5A)] of this Act, be given by the production of a document or documents purporting to be whichever of the following is appropriate, that is to say—
- (a) a statement automatically produced by the device by which the proportion of alcohol in a specimen of breath was measured and a certificate signed by a constable (which may but need not be contained in the same document as the statement) that the statement relates to a specimen provided by the accused at the date and time shown in the statement, and
  - (b) a certificate signed by an authorised analyst as to the proportion of alcohol or any drug found in a specimen of blood or urine identified in the certificate.
- (2) Subject to subsections (3) and (4) below, evidence that a specimen of blood was taken from the accused with his consent by a medical practitioner [<sup>F25</sup>or a registered health care professional] may be given by the production of a document purporting to certify that fact and to be signed by a medical practitioner [<sup>F25</sup>or a registered health care professional].
- (3) Subject to subsection (4) below—
- (a) a document purporting to be such a statement or such a certificate (or both such a statement and such a certificate) as is mentioned in subsection (1)(a) above is admissible in evidence on behalf of the prosecution in pursuance of this section only if a copy of it either has been handed to the accused when the document was produced or has been served on him not later than seven days before the hearing, and
  - (b) any other document is so admissible only if a copy of it has been served on the accused not later than seven days before the hearing.
- (4) A document purporting to be a certificate (or so much of a document as purports to be a certificate) is not so admissible if the accused, not later than three days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing of the person by whom the document purports to be signed.
- (5) In Scotland—
- (a) a document produced in evidence on behalf of the prosecution in pursuance of subsection (1) or (2) above and, where the person by whom the document was signed is called as a witness, the evidence of that person, shall be sufficient evidence of the facts stated in the document, and
  - (b) a written execution purporting to be signed by the person who handed to or served on the accused or the prosecutor a copy of the document or of the notice in terms of subsection (3) or (4) above, together with, where appropriate, a post office receipt for the registered or recorded delivery letter shall be sufficient evidence of the handing or service of such a copy or notice.



*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (6) A copy of a certificate required by this section to be served on the accused or a notice required by this section to be served on the prosecutor may be served personally or sent by registered post or recorded delivery service.
- [<sup>F26</sup>(6A) Where the proceedings mentioned in section 15(1) of this Act are proceedings before a magistrates' court inquiring into an offence as examining justices this section shall have effect with the omission of subsection (4).]
- (7) In this section “authorised analyst” means—
- (a) any person possessing the qualifications prescribed by regulations made under [<sup>F27</sup>section 27 of the Food Safety Act 1990] as qualifying persons for appointment as public analysts under those Acts, and
  - (b) any other person authorised by the Secretary of State to make analyses for the purposes of this section.

#### Textual Amendments

- F24** Words in s. 16(1) inserted (1.10.2002) by 2002 c. 53, s. 57(5); S.I. 2002/2306 art. 2(d)(v)
- F25** Words in s. 16(2) inserted (1.4.2003) by Police Reform Act 2002 (c. 30), ss. 57(6), 108(2); S.I. 2003/808, art. 2(e)
- F26** S. 16(6A) inserted (8.3.1997) (E.W.) by 1996 c. 25, s. 47, Sch. 1 Pt. II, para. 37, Pt. III para. 39; S.I. 1997/683, art. 1(2)
- F27** Words substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1), Sch. 3 para. 38

#### Modifications etc. (not altering text)

- C6** S. 16 applied (with modifications) (29.3.2004 for specified purposes, 30.3.2004 in so far as not already in force) by Railways and Transport Safety Act 2003 (c. 20), s. 83(1)(3); S.I. 2004/827, arts. 2, 3(f)
- C7** S. 16 applied (with modifications) (29.3.2004 for specified purposes, 30.3.2004 in so far as not already in force) by Railways and Transport Safety Act 2003 (c. 20), s. 96(1)(3); S.I. 2004/827, arts. 2, 3(s)

## 17 Provisions as to proceedings for certain offences in connection with the construction and use of vehicles and equipment.

- (1) If in any proceedings for an offence under [<sup>F28</sup>section 40A, 41A, 41B or 42 of the Road Traffic Act 1988 (using vehicle in dangerous condition or contravention)] of construction and use regulations—
- (a) any question arises as to a weight of any description specified in the plating certificate for a goods vehicle, and
  - (b) a weight of that description is marked on the vehicle,
- it shall be assumed, unless the contrary is proved, that the weight marked on the vehicle is the weight so specified.
- (2) If, in any proceedings for an offence—
- (a) under Part II of the Road Traffic Act 1988, except sections 47 and 75, or
  - (b) under section 174(2) or (5) (false statements and deception) of that Act,
- any question arises as to the date of manufacture of a vehicle, a date purporting to be such a date and marked on the vehicle in pursuance of regulations under that Part of that Act shall be evidence (and in Scotland sufficient evidence) that the vehicle was manufactured on the date so marked.

*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) If in any proceedings for the offence of driving a <sup>F29</sup>. . . vehicle on a road, or causing or permitting a <sup>F29</sup>. . . vehicle to be so driven, in contravention of a prohibition under section 70(2) of the Road Traffic Act 1988 any question arises whether a weight of any description has been reduced to a limit imposed by construction and use requirements [<sup>F30</sup>, or so that it has ceased to be excessive,], the burden of proof shall lie on the accused.
- (4) If in any proceedings in Scotland for an offence under the Traffic Acts any question arises as to a weight of any description in relation to a vehicle—
- (a) a certificate purporting to be signed by an inspector of weights and measures and certifying the accuracy of a weighbridge or other machine for weighing vehicles shall be sufficient evidence of the facts stated in the certificate, and
  - (b) where the inspector is called as a witness his evidence shall be sufficient evidence of those facts.

In this subsection “inspector of weights and measures” has the same meaning as in the <sup>M4</sup>Weights and Measures Act 1985, except that it includes a chief inspector within the meaning of that Act.

#### Textual Amendments

- F28** Words in s. 17(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 88(2)**; S.I. 1992/1286, **art. 2**, Sch.
- F29** Words in s. 17(3) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, **art. 2**, Sch. Appendix
- F30** Words in s. 17(3) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 88(3)**; S.I. 1992/1286, **art. 2**, Sch.

#### Marginal Citations

- M4** 1985 c. 72.

## 18 Evidence by certificate as to registration of driving instructors and licences to give instruction.

- (1) A certificate signed by the Registrar and stating that, on any date—
- (a) a person’s name was, or was not, in the register,
  - (b) the entry of a person’s name was made in the register or a person’s name was removed from it,
  - (c) a person was, or was not, the holder of a current licence under section 129 of the Road Traffic Act 1988, or
  - (d) a licence under that section granted to a person came into force or ceased to be in force,
- shall be evidence, and in Scotland sufficient evidence, of the facts stated in the certificate in pursuance of this section.
- (2) A certificate so stating and purporting to be signed by the Registrar shall be deemed to be so signed unless the contrary is proved.
- (3) In this section “current licence”, “Registrar” and “register” have the same meanings as in Part V of the <sup>M5</sup>Road Traffic Act 1988.

*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Marginal Citations

M5 1988 c. 52.

### 19 Evidence of disqualification in Scotland.

[<sup>F31</sup>(1)] In any proceedings in Scotland for an offence under section 103(1)(b) of the Road Traffic Act 1988 (driving while disqualified) a conviction or extract conviction—

- (a) of which a copy has been served on the accused not less than fourteen days before his trial,
- (b) which purports to be signed by the clerk of court, and
- (c) which shows that the person named in it is disqualified for holding or obtaining a licence,

shall be sufficient evidence of the application of that disqualification to the accused, unless not [<sup>F32</sup>more than seven days after the date of service of the copy] he serves notice on the prosecutor that he denies that it applies to him.

[<sup>F33</sup>(2) A copy of a conviction or extract conviction served on the accused under subsection (1) above shall be served in such manner as may be prescribed by Act of Adjournal, and a written execution purporting to be signed by the person who served such copy conviction or extract conviction together with, where appropriate, the relevant post office receipt shall be sufficient evidence of service of such a copy.]

#### Textual Amendments

**F31** S. 19 renumbered s. 19(1) (31.3.1996) by 1995 c. 20, s. 117(1), **Sch. 6 Pt. I**, para. 171(a); S.I. 1996/517, **art. 3(2)**

**F32** Words in s. 19(1) (as renumbered by 1995 c. 20, s. 117(1), **Sch. 6 Pt. I**, para. 171(a)) inserted (31.3.1996) by 1995 c. 20, s. 117(1), **Sch. 6 P. I**, para. 171(b); S.I. 1996/517, **art. 3(2)**

**F33** S. 19(2) inserted (31.3.1996) by 1995 c. 20, s. 117(1), **Sch. 6 Pt. I**, para. 171(c); S.I. 1996/517, **art. 3(2)**

#### Modifications etc. (not altering text)

**C8** S. 19 applied (20.10.1997) by 1997 c. 48, s. 15(1); S.I. 1997/2323, art. 3, **Sch. 1**

### [20 <sup>F34</sup>Speeding offences etc: admissibility of certain evidence.

(1) Evidence (which in Scotland shall be sufficient evidence) of a fact relevant to proceedings for an offence to which this section applies may be given by the production of—

- (a) a record produced by a prescribed device, and
- (b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a constable or by a person authorised by or on behalf of the chief officer of police for the police area in which the offence is alleged to have been committed;

but subject to the following provisions of this section.

(2) This section applies to—

*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) an offence under section 16 of the Road Traffic Regulation Act 1984 consisting in the contravention of a restriction on the speed of vehicles imposed under section 14 of that Act;
  - (b) an offence under subsection (4) of section 17 of that Act consisting in the contravention of a restriction on the speed of vehicles imposed under that section;
  - (c) an offence under section 88(7) of that Act (temporary minimum speed limits);
  - (d) an offence under section 89(1) of that Act (speeding offences generally);
  - (e) an offence under section 36(1) of the Road Traffic Act 1988 consisting in the failure to comply with an indication given by a light signal that vehicular traffic is not to proceed.
  - <sup>F35</sup> [ an offence under Part I or II of the Road Traffic Regulation Act 1984 of contravening or failing to comply with an order or regulations made under either of those Parts relating to the use of an area of road which is described as a bus lane or a route for use by buses only. ]
  - <sup>F36</sup>(g) an offence under section 29(1) of the Vehicle Excise and Registration Act 1994 <sup>F37</sup> (using or keeping an unlicensed vehicle on a public road). ]
- (3) The Secretary of State may by order amend subsection (2) above by making additions to or deletions from the list of offences for the time being set out there; and an order under this subsection may make such transitional provision as appears to him to be necessary or expedient.
- (4) A record produced or measurement made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings for an offence to which this section applies unless—
- (a) the device is of a type approved by the Secretary of State, and
  - (b) any conditions subject to which the approval was given are satisfied.
- (5) Any approval given by the Secretary of State for the purposes of this section may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.
- (6) In proceedings for an offence to which this section applies, evidence (which in Scotland shall be sufficient evidence)—
- (a) of a measurement made by a device, or of the circumstances in which it was made, or
  - (b) that a device was of a type approved for the purposes of this section, or that any conditions subject to which an approval was given were satisfied,
- may be given by the production of a document which is signed as mentioned in subsection (1) above and which, as the case may be, gives particulars of the measurement or of the circumstances in which it was made, or states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.
- (7) For the purposes of this section a document purporting to be a record of the kind mentioned in subsection (1) above, or to be a certificate or other document signed as mentioned in that subsection or in subsection (6) above, shall be deemed to be such a record, or to be so signed, unless the contrary is proved.
- (8) Nothing in subsection (1) or (6) above makes a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than seven days before the hearing or trial, been served on the person charged with the offence; and nothing in

*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

those subsections makes a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the prosecutor requiring attendance at the hearing or trial of the person who signed the document.

[<sup>F38</sup>(8A) Where the proceedings for an offence to which this section applies are proceedings before a magistrates' court inquiring into an offence as examining justices this section shall have effect as if in subsection (8) the words from "and nothing" to the end of the subsection were omitted.]

[<sup>F39</sup>(8A) As respects proceedings in Scotland, a copy of a document served on a person under subsection (8) above shall be served in such manner as may be prescribed by Act of Adjournal, and a written execution purporting to be signed by the person who served such copy document together with, where appropriate, the relevant post office receipt shall be sufficient evidence of service of such a copy.]

(9) In this section "prescribed device" means device of a description specified in an order made by the Secretary of State.

(10) The powers to make orders under subsections (3) and (9) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F34** S. 20 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 23; S.I. 1992/1286, art. 2, Sch.

**F35** S. 20(2)(f) inserted (18.3.1997) by S.I. 1997/384, art. 2

**F36** S. 20(2)(g) added (1.6.2001) by S.I. 2001/1814, art. 3

**F37** 1994 c. 22; section 29 was amended by Schedule 2 to the Finance Act 1996 (c. 8).

**F38** S. 20(8A) inserted (E.W.) (8.3.1997) by 1996 c. 25, s. 47, Sch. 1 Pt. II para. 38, Pt. III para. 39 (with s. 78(1)); S.I. 1997/683, art. 1

**F39** S. 20(8A) inserted (31.3.1996) by 1995 c. 20, s. 117(1), Sch. 6 Pt. I para. 172 and repealed (S.) (1.4.1996) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. I para. 16(3), Sch. 5 (with Sch. 3 paras. 1, 3, 6, 16, 17); S.I. 1996/517, art. 3(2)

#### Modifications etc. (not altering text)

**C9** S. 20(4) extended (1.7.1992) by S.I. 1992/1286, art. 4(1)

## 21 Proceedings in which evidence of one witness sufficient in Scotland.

(1) In any proceedings in Scotland for an offence to which this subsection applies the accused may be convicted on the evidence of one witness.

(2) Subsection (1) above applies to any offence created by or under an enactment and punishable on summary conviction, being an offence committed in respect of a vehicle—

- (a) by its being on a road during the hours of darkness without the lights or reflectors required by law, or
- (b) by its obstructing a road, or waiting, or being left or parked, or being loaded or unloaded, in a road, or
- (c) by the non-payment of a charge made at a street parking place, or

*Status: Point in time view as at 18/08/2008.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (d) by its being used in contravention of any provision of an order made or having effect as if made under section 1 or 9 of the <sup>M6</sup>Road Traffic Regulation Act 1984, being a provision—
- (i) as to the route to be followed by vehicles of the class to which that vehicle belongs, or
  - (ii) as to roads or parts of carriageways which are not to be used for traffic by such vehicles, or
  - (iii) as to the places where such vehicles may not turn so as to face in the opposite direction to that in which they were proceeding or as to the conditions under which such vehicles may so turn, or

<sup>F40</sup>(e) .....

<sup>F40</sup>(f) .....

- (3) Subsection (1) above also applies to any offence under section 35 [<sup>F41</sup>,36 or 172.]of the <sup>M7</sup>Road Traffic Act 1988.

- (4) In subsection (2) above—

“hours of darkness” means the time between half-an-hour after sunset and half-an-hour before sunrise, and

“street parking place” means a parking place on land which forms part of a road.

- (5) References in subsection (2) above to a class of vehicles are to be interpreted as references to a class defined or described by reference to any characteristics of the vehicles or to any other circumstances whatsoever.

#### Textual Amendments

**F40** S. 21(2)(e)(f) repealed (1.9.1994) by 1994 c. 22, ss. 65, 66, **Sch. 5 Pt. I** (with s. 57(4), Sch. 4)

**F41** Words in s. 21(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 89**; S.I. 1992/1286, art. 2, **Sch.**

#### Marginal Citations

**M6** 1984 c. 27.

**M7** 1988 c. 52.

## 22 Notification of disability.

- (1) If in any proceedings for an offence committed in respect of a motor vehicle it appears to the court that the accused may be suffering from any relevant disability or prospective disability (within the meaning of Part III of the Road Traffic Act 1988) the court must notify the Secretary of State.
- (2) A notice sent by a court to the Secretary of State in pursuance of this section must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.

---

*Status: Point in time view as at 18/08/2008.*

**Changes to legislation:** Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

**Modifications etc. (not altering text)**

**C10** S. 22: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), s. 193A(2)(b)(inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 46(2); S.I. 1992/1286, art. 2, Sch.).

**Status:**

Point in time view as at 18/08/2008.

**Changes to legislation:**

Road Traffic Offenders Act 1988, Cross Heading: Trial is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.