



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART I

TRIAL

Trial

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 [^{F1}mechanically propelled vehicle] was being driven or used by, or belonged to, that person on a particular occasion, or
 - (b) that a particular [^{F1}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 [^{F1}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

Status: Point in time view as at 18/08/2008. This version of this provision has been superseded.

Changes to legislation: Road Traffic Offenders Act 1988, Section 11 is up to date with all changes known to be in force on or before 31 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)

in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.

[^{F2}(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

- F1** 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.](#)
- F2** 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\(2\)](#)

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\(e\)](#))

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