



# Road Traffic Offenders Act 1988

## 1988 CHAPTER 53

### PART I

#### TRIAL

##### *Trial*

### 13 Admissibility of records as evidence.

- (1) This section applies to a statement contained in a document purporting to be—
- (a) 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
  - (b) a copy of a document forming part of those records, or
  - (c) 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>F1</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.

*Status: Point in time view as at 26/05/2015.*

**Changes to legislation:** Road Traffic Offenders Act 1988, Section 13 is up to date with all changes known to be in force on or before 03 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 any case where—
- <sup>F2</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,
- (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>F3</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>F4</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.

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- [<sup>F5</sup>(7) [<sup>F6</sup>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);
  - (c) in subsection (4), paragraphs (c) and (d) and the words “as if the accused had appeared and admitted it” were omitted.]]

#### Textual Amendments

- F1** 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**
- F2** 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**
- F3** Words in s. 13(4)(a) inserted (1.9.1998) by 1998 c. 15, **s. 2(2)**; S.I. 1998/1837, **arts. 2, 3**
- F4** 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))
- F5** 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)
- F6** **S. 13(7)** repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 61(3)**, **Sch. 37 Pt. 4**; S.I. 2012/1320, **art. 4(1)(c)(d)(2)(3)** (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, **art. 2(2)(3)(c)(d)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, **art. 2(1)(c)(d)(2)(3)** (with **arts. 3, 4**)

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