



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART I

TRIAL

Introductory

2 Requirement of warning etc: supplementary.

- (1) The requirement of section 1(1) of this Act does not apply in relation to an offence if, at the time of the offence or immediately after it, an accident occurs owing to the presence on a road of the vehicle in respect of which the offence was committed.
- (2) The requirement of section 1(1) of this Act does not apply in relation to an offence in respect of which—
 - (a) a fixed penalty notice (within the meaning of Part III of this Act) has been given or fixed under any provision of that Part, or
 - (b) a notice has been given under section [F154(5)] of this Act.
- (3) Failure to comply with the requirement of section 1(1) of this Act is not a bar to the conviction of the accused in a case where the court is satisfied—
 - (a) that neither the name and address of the accused nor the name and address of the registered keeper, if any, could with reasonable diligence have been ascertained in time for a summons or, as the case may be, a complaint to be served or for a notice to be served or sent in compliance with the requirement, or
 - (b) that the accused by his own conduct contributed to the failure.
- ^{F2}(4) Failure to comply with the requirement of section 1(1) of this Act in relation to an offence is not a bar to the conviction of a person of that offence by virtue of the provisions of—
 - (a) section 24 of this Act, or
 - (b) any of the enactments mentioned in section 24(6);

Status: Point in time view as at 28/03/2019. This version of this provision has been superseded.

Changes to legislation: Road Traffic Offenders Act 1988, Section 2 is up to date with all changes known to be in force on or before 02 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)

but a person is not to be convicted of an offence by virtue of any of those provisions if section 1 applies to the offence with which he was charged and the requirement of section 1(1) was not satisfied in relation to the offence charged.]

Textual Amendments

- F1** Word in s. 2(2)(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(a)**
- F2** S. 2(4) substituted (1.7.1992) for s. 2(4)-(6) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4 para. 81**; S.I. 1992/1286, **art. 2**, Sch.

Modifications etc. (not altering text)

- C1** Ss. 1, 2 excluded by [Road Traffic Act 1988 \(c. 52, SIF 107:1\)](#), s. 193, Sch. 4 paras. 8, **11**
- C2** S. 2: 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 28/03/2019. This version of this provision has been superseded.

Changes to legislation:

Road Traffic Offenders Act 1988, Section 2 is up to date with all changes known to be in force on or before 02 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.