



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

Notices fixed to vehicles

64 Enforcement or proceedings against owner.

- (1) This section applies where—
 - (a) a fixed penalty notice relating to an offence has been fixed to a vehicle under section 62 of this Act,
 - (b) a notice to owner relating to the offence has been served on any person under section 63(2) of this Act before the end of the period of six months beginning with the day on which the fixed penalty notice was fixed to the vehicle, and
 - (c) the fixed penalty has not been paid in accordance with this Part of this Act before the end of the period allowed for response to the notice to owner.
- (2) Subject to subsection (4) below and to section 63(7)(b) of this Act, a sum equal to the fixed penalty plus one-half of the amount of that penalty may be registered under section 71 of this Act for enforcement against the person on whom the notice to owner was served as a fine.
- (3) Subject to subsection (4) below and to section 65 of this Act, proceedings may be brought in respect of the offence against the person on whom the notice to owner was served.
- (4) If the person on whom the notice to owner was served—
 - (a) was not the owner of the vehicle at the time of the alleged offence, and
 - (b) provides a statutory statement of ownership to that effect in response to the notice before the end of the period allowed for response to the notice,

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Road Traffic Offenders Act 1988, Section 64 is up to date with all changes known to be in force on or before 26 June 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)

he shall not be liable in respect of the offence by virtue of this section nor shall any sum determined by reference to the fixed penalty for the offence be so registered by virtue of this section for enforcement against him as a fine.

(5) Subject to subsection (6) below—

- (a) for the purposes of the institution of proceedings by virtue of subsection (3) above against any person on whom a notice to owner has been served, and
- (b) in any proceedings brought by virtue of that subsection against any such person,

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

(6) That presumption does not apply in any proceedings brought against any person by virtue of subsection (3) above if, in those proceedings, it is proved that at the time of the alleged offence the vehicle was in the possession of some other person without the consent of the accused.

(7) Where—

- (a) by virtue of subsection (3) above proceedings may be brought in respect of an offence against a person on whom a notice to owner was served, and
- (b) section 74(1) of this Act does not apply,

section 127(1) of the ^{M1}Magistrates' Courts Act 1980 (information must be laid within six months of time offence committed) and section 331(1) of the ^{M2}Criminal Procedure (Scotland) Act 1975 (proceedings must be commenced within six months of that time) shall have effect as if for the reference to six months there were substituted a reference to twelve months.

Marginal Citations

M1 1980 c. 43.

M2 1975 c. 21.

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