



# Road Traffic Act 1991

## 1991 CHAPTER 40

### PART I

#### GENERAL

##### *Trial*

### **23 Speeding offences etc: admissibility of certain evidence.**

For section 20 of the <sup>M1</sup>Road Traffic Offenders Act 1988 (admissibility of measurement of speed by radar) there shall be substituted—

#### **“20 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—

- (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);

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*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Act 1991, Section 23. (See end of Document for details)*

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

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- (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.”

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

**C1** S. 23 restricted (3.6.1992) by [S.I. 1992/1286](#), [art. 4\(2\)](#).

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**Commencement Information**

**II** S. 23 wholly in force at 1.7.1992 see s. 84 and [S.I. 1992/1286](#), [art. 2](#), [Sch.](#)

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**Marginal Citations**

**M1** [1988 c. 53](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Road Traffic Act 1991, Section 23.