
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 29

ROAD TRAFFIC PENALTIES

Statutory declaration to avoid fine after fixed penalty notice

29.4.—(1) This rule applies where—

- (a) a chief officer of police, or the Secretary of State, serves on the magistrates' court officer a certificate registering, for enforcement as a fine, a sum payable by a defendant after failure to comply with a fixed penalty notice;
- (b) the court officer notifies the defendant of the registration; and
- (c) the defendant makes a statutory declaration with the effect that there become void—
 - (i) the fixed penalty notice, or any associated notice sent to the defendant as owner of the vehicle concerned, and
 - (ii) the registration and any enforcement proceedings.

(2) The defendant must serve that statutory declaration not more than 21 days after service of notice of the registration, unless the court extends that time limit.

(3) The court officer must—

- (a) serve a copy of the statutory declaration on the person by whom the certificate was registered;
- (b) cancel any endorsement on the defendant's driving record (and on any counterpart licence, if other legislation requires); and
- (c) notify the Secretary of State of any such cancellation.

^{F1}(4)

[Note. See sections 72(1), (6), (6A), 73(1) and 74(2) of the Road Traffic Offenders Act 1988(1).

For the circumstances in which—

- (a) *a sum may be registered for enforcement as a fine after failure to comply with a fixed penalty notice, see sections 54, 55, 62, 63, 64, 70 and 71 of the 1988 Act(2);*

(1) 1988 c. 53; section 72(1) was amended by paragraphs 140 and 151 of Schedule 13 to, the Access to Justice Act 1999 (c. 22).
(2) 1988 c. 53; section 54 was amended by regulations 2(2) and 3 of, and paragraph 15 of Schedule 2 to, S.I. 1990/144, sections 48 and 83 of, and paragraph 103 of Schedule 4 and Schedule 8 to, the Road Traffic Act 1991 (c. 40), sections 76 and 108 of the Police Reform Act 2002 (c. 30) and sections 5, 9(6), 10 and 59 of, and paragraphs 1, 3 and 9 of Schedule 1 to, and paragraphs 2 and 14 of Schedule 2 to, the Road Safety Act 2006 (c. 49). Section 62 was amended by section 5 of, and paragraphs 1 and 7 of Schedule 1 to, the Road Safety Act 2006 (c. 49). Section 63 was amended by section 5 of, and paragraphs 1 and 8 of Schedule 1 to, the Road Safety Act 2006 (c. 49). Section 70 was amended by section 109 of, and paragraph 316 of Schedule 8 to, the Courts Act 2003 (c. 39) and sections 5, 9(6) and 59 of, and paragraphs 1 and 12 of Schedule 1, paragraphs 2 and 21 of Schedule 2 and paragraph 7 to, the Road Safety Act 2006 (c. 49). Section 71 was amended by section 63 of, and paragraph 25(1) of Schedule 3 to, the Vehicle Excise and Registration Act 1994 (c. 22), sections 90(1) and 106 of, and paragraphs 140

Status: Point in time view as at 03/10/2022.

Changes to legislation: There are currently no known outstanding effects for the
The Criminal Procedure Rules 2020, Section 29.4. (See end of Document for details)

(b) *the registration may become void on the making of a statutory declaration by the defendant, see sections 72 and 73 of the 1988 Act***(3)**.

[^{F2}Under rule 2.11 (Taking of statutory declarations by court officers) a court officer may take the statutory declaration to which this rule refers.]

Textual Amendments

- F1** Rule 29.4(4) omitted (3.10.2022) by virtue of [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), rules 2, **16(a)**
- F2** Words in rule 29.4 substituted (3.10.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), rules 2, **16(b)**
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Commencement Information

- I1** Rule 29.4 in force at 5.10.2020, see Preamble

and 150(1) and (2) of Schedule 13, and table 7 of Schedule 15 to, the Access to Justice Act 1999 (c. 22), section 109(1) of, and paragraph 317(1) and (2) of Schedule 8 to, the Courts Act 2003 (c. 39) and section 9(6) of, and paragraphs 2 and 22 of Schedule 2 to, the Road Safety Act 2006 (c. 49).

- (3) 1988 c. 53; section 72 was amended by regulations 2(2) and 3 of, and paragraph 20 of Schedule 2 to S.I. 1990/144, section 90 of, and paragraphs 140 and 151 of Schedule 13 to, the Access to Justice Act 1999 (c. 22) and sections 5, 9 10 and 59 of, and paragraphs 1 and 13 of Schedule 1, paragraphs 2 and 23 of Schedule 2, paragraphs 30 and 50 of Schedule 3 and Schedule 7 to, the Road Safety Act 2006 (c. 49). Section 73 was amended by section 90 of, and paragraphs 140 and 151 of Schedule 13 to, the Access to Justice Act 1999 (c. 22) and sections 5 and 59 of, and paragraphs 1 and 14 of Schedule 1 and Schedule 7 to, the Road Safety Act 2006 (c. 49).

Status:

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Changes to legislation:

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