



Road Traffic Act 1972

1972 CHAPTER 20

PART VII

MISCELLANEOUS AND GENERAL

Prosecution and punishment of offences and other provisions relating to legal proceedings, etc.

177 Prosecution and punishment of offences

- (1) Part I of Schedule 4 to this Act shall have effect with respect to the prosecution and punishment of the offences against the provisions of this Act specified in column 1 of that Part of that Schedule or regulations made thereunder (of which the general nature is indicated in column 2 thereof).
- (2) In relation to any such offence—
 - (a) column 3 of that Part of that Schedule shows whether the offence is punishable on summary conviction or on indictment or either in one way or the other ;
 - (b) column 4 of that Part of that Schedule shows the maximum, punishment by way of fine or imprisonment which may be imposed on a person convicted of the offence in the way specified in relation thereto in column 3 (that is to say, summarily or on indictment), any reference in column 4 to a period of years or months being construed as a reference to a term of imprisonment of that duration ;
 - (c) column 5 of that Part of that Schedule shows in relation to which offences the court is required by section 93(1) or empowered by section 93(2) of this Act to order the person convicted to be disqualified for holding or obtaining a licence to drive a motor vehicle under Part III of this Act (whether or not the court is also required to disqualify him for an additional period by section 93(3) of this Act), any reference in column 5 to obligatory disqualification importing such a requirement and any reference therein to discretionary disqualification importing such a power ;

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- (d) column 6 of that Part of that Schedule shows in relation to which offences the court is required by section 101(1) of this Act to order that particulars of the conviction, and, if the court orders him to be disqualified, particulars of the disqualification, are to be endorsed on any licence held by him ; and
 - (e) column 7 of that Part of that Schedule applies to such of the offences against provisions of this Act specified in column 1 as are indicated by entries against those offences in column 7 the additional provisions of this Act (relating to the prosecution and trial of such offences) specified in those entries.
- (3) Parts II and III of that Schedule show offences which are not offences under this Act and are not punishable thereunder but on conviction of which the court is required by section 93(1) or, as the case may be, empowered by section 93(2) of this Act to order the person convicted to be disqualified for holding or obtaining a licence to drive a motor vehicle under Part III of the Act and, in either case, required by section 101(1) of this Act to order that particulars of the conviction, and, if the court orders him to be disqualified, particulars of the disqualification, are to be endorsed on any licence held by him.
- (4) The provisions contained in Part IV of that Schedule (being provisions as to alternative verdicts, as to charges which may be preferred when a person is not convicted of an offence charged and as to the conviction of persons of certain offences despite the absence of a warning of prosecution of those offences) shall have effect in relation to such of the offences against provisions of this Act specified in column 1 of Part I of that Schedule as are indicated by entries against those offences in column 7 of that Part; and in Scotland the provisions of paragraph 3 of Part IV shall have effect also in relation to the offence shown in Part II of that Schedule.
- (5) Part V of that Schedule shall have effect for the interpretation of that Schedule.
- (6) Any reference in that Schedule to a section by its number only is a reference to a section of this Act.

178 Penalty for breach of regulations

If a person acts in contravention of or fails to comply with any regulations made by the Secretary of State under this Act (other than regulations made under section 20, 43, 54, including that section as applied by section 55, or 133 thereof) and contravention thereof, or failure to comply therewith, is not made an offence under any other provision of this Act, he shall for each offence be liable on summary conviction to a fine not exceeding £20.

179 Restrictions on prosecutions for certain offences

- (1) This section applies to—
- (a) any offence under this Act to which it is applied by column 7 of Part I of Schedule 4 to this Act; and
 - (b) any offence under section 77(7) of the Road Traffic Regulation Act 1967 or punishable by virtue of section 78A of that Act.
- (2) Subject to the following provisions of this section and to the provisions of paragraphs 5, 6 and 7 of Part IV of the said Schedule 4, where a person is prosecuted for an offence to which this section applies he shall not be convicted unless either—

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- (a) he was warned at the time the offence was committed that the question of prosecuting him for some one or other of the offences to which this section applies would be taken into consideration ; or
- (b) within fourteen days of the commission of the offence a summons (or, in Scotland, a complaint) for the offence was served on him ; or
- (c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed, was—
 - (i) in the case of an offence against section 17 or 18 of this Act, served on him,
 - (ii) in the case of any other offence, served on him or on the person, if any, registered as the keeper of the vehicle at the time of the commission of the offence;

and the notice shall be deemed for the purposes of paragraph (c) above to have been served on any person if it was sent by registered post or recorded delivery service addressed to him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him.

- (3) The requirement of subsection (2) above shall in every case be deemed to have been complied with unless and until the contrary is proved.
- (4) Failure to comply with the requirement of subsection (2) above shall not be 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 said requirement; or
 - (b) that the accused by his own conduct contributed to the failure.

180 Time within which summary proceedings for certain offences must be commenced

Summary proceedings for an offence under this Act to which this section is applied by column 7 of Part I of Schedule 4 to this Act may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than three years after the commission of the offence.

For the purposes of this section a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

181 Evidence by certificate

- (1) In any proceedings in England or Wales for an offence under this Act to which this section is applied by column 7 of Part I of Schedule 4 to this Act or which is punishable by virtue of section 178 thereof or for an offence against any other enactment relating to the use of vehicles on roads a certificate in the prescribed form, purporting to be

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signed by a constable and certifying that a person specified in the certificate stated to the constable—

- (a) that a particular motor vehicle was being driven or used by, or belonged to, that person on a particular occasion, or
- (b) that a particular motor vehicle on a particular occasion was used by, or belonged to, a firm in which that person also stated that he was at the time of the statement a partner, or
- (c) that a particular motor vehicle on a particular occasion was used by, or belonged to, a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or to whom it belonged, as the case may be, on that occasion.

- (2) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.
- (3) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence—
 - (a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence, or
 - (b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.
- (4) In this section " prescribed " means prescribed by rules made by the Secretary of State by statutory instrument.

182 Admissibility of records as evidence

- (1) 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 this Act or a part of any other records maintained by the Secretary of State with respect to vehicles; 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 shall be admissible in any proceedings as evidence of any fact stated therein to the same extent as oral evidence of that fact is admissible in those proceedings.
- (2) In subsection (1) above " document" and " statement" have the same meanings as in section 10(1) of the Civil Evidence Act 1968, and the reference to a copy of a document shall be construed in accordance with section 10(2) of that Act; but nothing in this subsection shall be construed as limiting to civil proceedings the references to proceedings in subsection (1) above.
- (3) Nothing in the foregoing provisions of this section shall enable evidence to be given with respect to any matter other than a matter of the prescribed description.
- (4) In its application to Scotland this section shall have effect as if—

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- (a) in subsection (1), for the words from "as evidence" onwards there were substituted the words " as sufficient evidence of any fact stated therein, so however that nothing in this subsection shall be deemed to make such a statement evidence in any proceedings except where oral evidence to the like effect would have been admissible in those proceedings "; and
- (b) in subsection (2), for the references to section 10(1) and (2) of the Civil Evidence Act 1968 there were substituted references to section 17(3) and (4) respectively of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968.

183 Proof, in summary proceedings, of identity of driver of vehicle

Where on the summary trial in England or Wales of an information for an offence under this Act to which this section is applied by column 7 of Part I of Schedule 4 to this Act or which is punishable by virtue of section 178 thereof or for an offence against any other enactment relating to the use of vehicles on roads—

- (a) it is proved to the satisfaction of the court, on oath or in manner prescribed by rules made under section 15 of the Justices of the Peace Act 1949, that a requirement under section 168(2) of this Act to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post; and
- (b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

184 Jurisdiction of courts of summary jurisdiction in Scotland for certain offences

An offence under this Act, or any regulations made under this Act, for which the maximum penalty does not exceed £50 (other than an offence under section 54 (including that section as applied by section 55(3)), 61, 136 or 137 of this Act or an offence involving discretionary disqualification within the meaning of Part III of this Act) may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed.

185 Destination of fines

- (1) All sums paid to the Secretary of State under section 27 of the Justices of the Peace Act 1949 in respect of fines imposed in respect of offences under the foregoing provisions of this Act or the regulations made thereunder (whether imposed on conviction on indictment or by a magistrates' court) shall be deemed to be Exchequer moneys within the meaning of the said section 27.
- (2) There shall be paid into the Consolidated Fund all fines imposed in respect of offences committed in Scotland under the foregoing provisions of this Act or the regulations made thereunder, except offences under the following provisions, namely, sections 1(1), 5(2), 20(1), 23, 31(1), 33(2), 35, 44(1), 53(4), 54(5), 54(6) (including the last two subsections as applied by section 55(3)), 55(5), 61(2), 165, 170(3), 170(4), 174 and an offence under section 161(4) consisting of a contravention of subsection (2) or (3) of that section.