



Road Traffic Act 1974

1974 CHAPTER 50

Liability of vehicle owners

1 Liability of vehicle owner in respect of certain fixed penalty offences

(1) This section applies where—

- (a) a fixed penalty notice has been given under subsection (2), or affixed to a vehicle under subsection (7), of section 80 of the 1967 Act; and
- (b) the fixed penalty notice relates to an offence committed in respect of a stationary vehicle and falling within any of paragraphs (a) to (c) and (f) of subsection (1) of that section, other than the offence mentioned in paragraph (b) of that subsection of obstructing a road; and
- (c) the fixed penalty has not been paid within the period of 21 days mentioned in subsection (3) of that section or, if it is longer, the period fixed for payment by the fixed penalty notice.

(2) Subject to the following provisions of this section,—

- (a) for the purposes of the institution of proceedings in respect of the alleged offence against any person as being the owner of the vehicle at the relevant time, and
- (b) in any proceedings in respect of the alleged offence brought against any person as being the owner of the vehicle at the relevant time,

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

(3) Subsection (2) above shall not apply in relation to any person unless, within the period of 6 months beginning on the day on which the fixed penalty notice was given or affixed as mentioned in subsection (1)(a) above, a notice under subsection (6) below has been served on him by or on behalf of the chief officer of police.

(4) If the person on whom a notice under subsection (6) below is served in accordance with subsection (3) above was not the owner of the vehicle at the relevant time,

Status: This is the original version (as it was originally enacted).

subsection (2) above shall not apply in relation to him if he furnishes a statutory statement of ownership to that effect in compliance with the notice.

(5) The presumption in subsection (2) above shall not apply in any proceedings brought against any person as being the owner of the vehicle at the relevant time if, in those proceedings, it is proved—

- (a) that at the relevant time the vehicle was in the possession of some other person without the consent of the accused; or
- (b) that the accused was not the owner of the vehicle at the relevant time and that he has a reasonable excuse for failing to comply with the notice under subsection (6) below served on him in accordance with subsection (3) above.

(6) A notice under this subsection shall be in the prescribed form, shall give particulars of the alleged offence and of the fixed penalty concerned and shall provide that, unless the fixed penalty is paid before the expiry of the appropriate period, the person on whom the notice is served—

- (a) is required, before the expiry of that period, to furnish to the chief officer of police by or on behalf of whom the notice was served a statutory statement of ownership (as defined in Part I of Schedule 1 to this Act); and
- (b) is invited, before the expiry of that period, to furnish to that chief officer of police a statutory statement of facts (as defined in Part II of Schedule 1 to this Act).

(7) If, in any case where—

- (a) a notice under subsection (6) above has been served on any person, and
- (b) the fixed penalty specified in the notice is not paid within the appropriate period,

the person so served fails without reasonable excuse to comply with the notice by furnishing a statutory statement of ownership, he shall be liable on summary conviction to a fine not exceeding £100.

(8) If, in compliance with or in response to a notice under subsection (6) above, any person furnishes a statement which is false in a material particular and does so recklessly or knowing it to be so false, he shall be liable on summary conviction to a fine not exceeding £400.

(9) Without prejudice to section 80(2) of the 1967 Act (payment of fixed penalty before proceedings are begun a bar to conviction) where a notice under subsection (6) above has been served on any person,—

- (a) payment of the fixed penalty by any person before the date on which proceedings are begun against the person so served for an offence under subsection (7) above in respect of a failure to comply with the notice shall discharge any liability of his for that offence; and
- (b) conviction of any person of the offence specified in the notice shall discharge the liability of any other person (under this or any other enactment) for that offence and the liability of any person for an offence under subsection (7) above in respect of a failure to comply with the notice ; and
- (c) conviction of the person so served of an offence under subsection (7) above in respect of a failure to comply with the notice shall discharge the liability of any person for the offence specified in the notice;

but, except as provided by this subsection, nothing in this section shall affect the liability of any person for an offence specified in a notice under subsection (6) above.

2 Liability of vehicle owner in respect of excess parking charges

(1) This section applies where—

- (a) an excess charge has been incurred in pursuance of an order under sections 35 and 36 of the 1967 Act (provision on highways of parking places where charges are made); and
- (b) notice of the incurring of the excess charge has been given or affixed as provided in the order; and
- (c) the excess charge has not been duly paid in accordance with the order;

and in the following provisions of this section " the excess charge offence " means the offence under section 42 of the 1967 Act of failing duly to pay the excess charge.

(2) Subject to the following provisions of this section,—

- (a) for the purposes of the institution of proceedings in respect of the excess charge offence against any person as being the owner of the vehicle at the relevant time, and
- (b) in any proceedings in respect of the excess charge offence brought against any person as being the owner of the vehicle at the relevant time,

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

(3) Subsection (2) above shall not apply in relation to any person unless, within the period of 6 months beginning on the day on which the notice of the incurring of the excess charge was given or affixed as mentioned in subsection (1)(b) above, a notice under subsection (6) below has been served on him by or on behalf of the authority which is the local authority for the purposes of sections 35 and 36 of the 1967 Act in relation to the parking place concerned or, as the case may be, by or on behalf of the chief officer of police.

(4) If the person on whom a notice under subsection (6) below is served in accordance with subsection (3) above was not the owner of the vehicle at the relevant time, subsection (2) above shall not apply in relation to him if he furnishes a statutory statement of ownership to that effect in compliance with the notice.

(5) The presumption in subsection (2) above shall not apply in any proceedings brought against any person as being the owner of the vehicle at the relevant time if, in those proceedings, it is proved—

- (a) that at the relevant time the vehicle was in the possession of some other person without the consent of the accused; or
- (b) that the accused was not the owner of the vehicle at the relevant time and that he has a reasonable excuse for failing to comply with the notice under subsection (6) below served on him in accordance with subsection (3) above.

(6) A notice under this subsection shall be in the prescribed form, shall give particulars of the excess charge and shall provide that, unless the excess charge is paid before the expiry of the appropriate period, the person on whom the notice is served—

- (a) is required, before the expiry of that period, to furnish to the authority or chief officer of police by or on behalf of whom the notice was served a statutory statement of ownership (as defined in Part I of Schedule 1 to this Act); and
- (b) is invited, before the expiry of that period, to furnish to that authority or chief officer of police a statutory statement of facts (as defined in Part II of Schedule 1 to this Act).

(7) If, in any case where—

- (a) a notice under subsection (6) above has been served on any person, and
- (b) the excess charge specified in the notice is not paid within the appropriate period,

the person so served fails without reasonable excuse to comply with the notice by furnishing a statutory statement of ownership, he shall be liable on summary conviction to a fine not exceeding £100.

(8) If, in compliance with or in response to a notice under subsection (6) above, any person furnishes a statement which is false in a material particular and does so recklessly or knowing it to be so false, he shall be liable on summary conviction to a fine not exceeding £400.

(9) Where a notice under this section has been served on any person in respect of any excess charge,—

- (a) payment of the charge by any person before the date on which proceedings are begun for the excess charge offence or, as the case may be, for an offence under subsection (7) above in respect of a failure to comply with the notice shall discharge the liability of that or any other person (under this or any other enactment) for the excess charge offence or, as the case may be, for the offence under subsection (7) above ;
- (b) conviction of any person of the excess charge offence shall discharge the liability of any other person (under this or any other enactment) for that offence and the liability of any person for an offence under subsection (7) above in respect of a failure to comply with the notice; and
- (c) conviction of the person so served of an offence under subsection (7) above in respect of a failure to comply with the notice shall discharge the liability of any person for the excess charge offence;

but, except as provided by this subsection, nothing in this section shall affect the liability of any person for the excess charge offence.

3 Hired vehicles

(1) This section shall apply where—

- (a) a notice under section 1(6) or section 2(6) above has been served on a vehicle-hire firm ; and
- (b) at the relevant time the vehicle in respect of which the notice was served was let to another person by the vehicle-hire firm under a hiring agreement to which this section applies.

(2) Where this section applies, it shall be a sufficient compliance with the notice served on the vehicle-hire firm if the firm furnishes to the chief officer of police or local authority by or on behalf of whom the notice was served a statement in the prescribed form, signed by or on behalf of the vehicle-hire firm, stating that at the relevant time the vehicle concerned was hired under a hiring agreement to which this section applies, together with—

- (a) a copy of that hiring agreement, and
- (b) a copy of a statement of liability in the prescribed form, signed by the hirer under that hiring agreement,

and accordingly, in relation to the vehicle-hire firm on whom the notice was served, the reference in subsection (7) of section 1 or, as the case may be, section 2 above to a

statutory statement of ownership shall be construed as a reference to a statement under this subsection together with the documents specified in paragraphs (a) and (b) above.

- (3) In this section a "statement of liability" means a statement made by the hirer under a hiring agreement to which this section applies to the effect that the hirer acknowledges that he will be liable, as the owner of the vehicle,—
- (a) in respect of any such offence as is specified in section 1(1)(b) above which may be committed with respect to the vehicle during the currency of the hiring agreement; and
 - (b) in respect of any excess charge which may be incurred as mentioned in section 2(1)(a) above with respect to the vehicle during the currency of the hiring agreement.
- (4) If, in a case where this section applies, the vehicle-hire firm has complied with the notice served on the firm by furnishing the statement and copies of the documents specified in subsection (2) above, then section 1 or, as the case may be, section 2 above shall have effect as if—
- (a) any reference therein to the owner of the vehicle were a reference to the hirer under the hiring agreement; and
 - (b) any reference therein to a statutory statement of ownership were a reference to a statutory statement of hiring.
- (5) Where, in compliance with a notice under section 1(6) or section 2(6) above, a vehicle-hire firm has furnished copies of a hiring agreement and statement of liability as mentioned in subsection (2) above, a person authorised in that behalf by the chief officer of police or local authority to whom the documents are furnished may, at any reasonable time within 6 months after service of that notice and on production of his authority, require the production by the firm of the originals of those documents; and if, without reasonable excuse, a vehicle-hire firm fails to produce the original of a document when required to do so under this subsection, it shall be treated as not having complied with the notice under section 1(6) or, as the case may be, section 2(6) above.
- (6) This section applies to a hiring agreement under the terms of which the vehicle concerned is let to the hirer for a fixed period of less than 6 months (whether or not that period is capable of extension by agreement between the parties or otherwise); and any reference in this section to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of the fixed period specified in the agreement, but otherwise on terms and conditions specified therein.
- (7) In this section—
- "hiring agreement" refers only to an agreement which contains such particulars as may be prescribed and does not include a hire-purchase agreement within the meaning of the Hire-Purchase Act 1965 or the Hire-Purchase (Scotland) Act 1965; and
 - "vehicle-hire firm" means any person engaged in hiring vehicles in the course of a business.

4 Time for bringing, and evidence in, proceedings for certain offences

- (1) Proceedings for an offence in England and Wales under section 1(8) or section 2(8) above may be brought within a period of 6 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 3 years after the commission of the offence.

- (2) Proceedings in Scotland for an offence to which subsection (1) above applies shall not be commenced after the expiration of a period of 3 years from the commission of the offence, but subject to the foregoing limitation, and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, any such proceedings may be commenced at any time within 6 months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by a local authority, within 6 months after the date on which it came to their knowledge; and subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section.
- (3) For the purposes of subsections (1) and (2) above, a certificate signed by or on behalf of the prosecutor or, as the case may be, the Lord Advocate or the local authority and stating the date on which such evidence as aforesaid came to his or their 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.
- (4) Where any person is charged with any such offence as is specified in section 1(1)(b) above or with the offence of failing duly to pay an excess charge and the prosecutor produces to the court any of the statutory statements in Schedule 1 to this Act or a copy of a statement of liability, within the meaning of section 3 above, purporting—
 - (a) to have been furnished in compliance with or in response to a notice under section 1(6) or section 2(6) above, and
 - (b) to have been signed by the accused,
 the statement shall be presumed, unless the contrary is proved, to have been signed by the accused and shall be evidence (and in Scotland sufficient evidence) in the proceedings of any facts stated in it tending to show that the accused was the owner, the hirer or the driver of the vehicle concerned at a particular time.
- (5) In section 80 of the 1967 Act, subsection (10) (which restricts the making of references, in proceedings for offences to which subsection (1) of that section applies, to the giving or affixing of fixed penalty notices) shall cease to have effect.

5 Provisions supplementary to sections 1 to 4 and Schedule 1

- (1) In sections 1 to 4 above and Schedule 1 to this Act,—
 - " appropriate period ", in relation to a notice under section 1(6) or section 2(6) above, means the period of 14 days from the date on which the notice is served, or such longer period as may be specified in the notice or as may be allowed by the chief officer of police or authority by or on behalf of whom the notice was served;
 - " driver ",—
 - (a) in relation to the alleged offence referred to in section 1(1) above, means the person by whom, assuming the alleged offence to have been committed, it was committed ; and
 - (b) in relation to an excess charge, as defined below, and in relation to an offence of failing duly to pay such a charge, means the person driving the vehicle at the time it was left in the parking place concerned;
 - " excess charge " has the same meaning as in section 36 of the 1967 Act;

" fixed penalty " means a fixed penalty under section 80 of the 1967 Act and " fixed penalty notice " means a notice under that section offering a person the opportunity of the discharge of any liability to conviction of an offence by payment of such a fixed penalty;

" prescribed " means prescribed by regulations made by the Secretary of State contained in a statutory instrument subject to annulment by a resolution of either House of Parliament;

" relevant time ",—

- (a) in relation to the alleged offence referred to in section 1(1) above, means the time at which the offence is alleged to have been committed; and
- (b) in relation to an excess charge, as defined above, means the time when the vehicle was left in the parking place concerned, notwithstanding that the period in respect of which the excess charge was incurred did not begin at that time.

- (2) Any reference in sections 1 to 4 above to a statutory statement of any description shall be construed in accordance with Schedule 1 to this Act.
- (3) For the purposes of the provisions of this Act referred to in subsection (1) above, the owner of a vehicle shall be taken to be the person by whom the vehicle is kept; and for the purpose of determining, in the course of any proceedings brought by virtue of those provisions, who was the owner of a vehicle at any time, it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicles (Excise) Act 1971.
- (4) Notwithstanding the presumption in subsection (3) above, it shall be open to the defence in any proceedings to prove that the person in whose name a vehicle was so registered at a particular time was not the person by whom the vehicle was kept at that time and to the prosecution to prove that the vehicle was kept by some other person at that time.
- (5) A notice under section 1(6) or section 2(6) above may be served on any person—
 - (a) by delivering it to him or by leaving it at his proper address, or
 - (b) by sending it to him by post,and where the person on whom such a notice is to be served is a body corporate it shall be duly served if it is served on the secretary or clerk of that body.
- (6) For the purposes of subsection (5) above and of section 26 of the Interpretation Act 1889 (service of documents by post) in its application to that subsection, the proper address of any person on whom such a notice is to be served shall, in the case of the secretary or clerk of a body corporate, be that of the registered or principal office of that body, and in any other case shall be the last known address of the person to be served.