



# Road Traffic Offenders Act 1988

## 1988 CHAPTER 53

### PART I

#### TRIAL

##### *Introductory*

### **1 Requirement of warning etc. of prosecutions for certain offences.**

- (1) Subject to section 2 of this Act, [<sup>F1</sup>a person shall not be convicted of an offence to which this section applies unless]—
- (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 fourteen days of the commission of the offence 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 under section 28 or 29 of the <sup>M1</sup>Road Traffic Act 1988 (cycling offences), 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.

[<sup>F2</sup>(1A) A notice required by this section to be served on any person may be served on that person—

- (a) by delivering it to him;
- (b) by addressing it to him and leaving it at his last known address; or
- (c) by sending it by registered post, recorded delivery service or first class post addressed to him at his last known address.]

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Road Traffic Offenders Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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- (2) A notice shall be deemed for the purposes of subsection (1)(c) above to have been served on a 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 (1) above shall in every case be deemed to have been complied with unless and until the contrary is proved.
- (4) Schedule 1 to this Act shows the offences to which this section applies.

#### Annotations:

#### Amendments (Textual)

- F1** Words in s. 1(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 80**; S.I. 1992/1286, art. 2, **Sch.**
- F2** S. 1(1A) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 6(3)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

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

- C1** Ss. 1, 2 excluded by Road Traffic Act 1988 (c. 52, SIF 107:1), s. 193, Sch. 4 paras. 8, **11**
- C2** S. 1: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), s. **193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. **46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

#### Marginal Citations

- M1** 1988 c. 52.

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**Changes and effects yet to be applied to :**

- s. 1 applied by S.I. 2009/493 reg. 19(a)

**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

- Act applied by S.I. 2005/2222 art. 41(16)
- Act applied by S.I. 2011/41 art. 40(17)
- Act modified by S.I. 2006/2167 art. 27
- Act transfer of functions by S.I. 2009/1885 art. 2(1)
- Act words substituted by 2005 c. 4 Sch. 11 para. 4
- Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 1(2)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 30A-30D inserted by 2006 c. 49 s. 34(3)
- s. 30C(5)(f) text amended by S.I. 2009/1885 Sch. 1 para. 15
- s. 34D-34G inserted by 2006 c. 49 s. 15(1)
- s. 34D(1)(d) text amended by 2009 c. 25 Sch. 21 para. 90(5)(a)
- s. 34D(3) text amended by 2009 c. 25 Sch. 21 para. 90(5)(b)
- s. 34D(5A) inserted by 2009 c. 25 Sch. 21 para. 90(5)(c)
- s. 34D(6)(a) text amended by 2009 c. 25 Sch. 21 para. 90(5)(d)(i)
- s. 34D(6)(b) text amended by 2009 c. 25 Sch. 21 para. 90(5)(d)(ii)
- s. 34D(6A) inserted by 2009 c. 25 Sch. 21 para. 90(5)(e)
- s. 34F(5)(f) text amended by S.I. 2009/1885 Sch. 1 para. 17
- s. 34BA(5)(f) text amended by S.I. 2009/1885 Sch. 1 para. 16
- s. 35A 35B inserted by 2009 c. 25 Sch. 16 para. 2(2)
- s. 35A(4)(h) power to modify conferred by 2009 c. 25 Sch. 22 para. 34(2)
- s. 35C 35D inserted by 2009 c. 25 Sch. 16 para. 2(3)
- s. 35C(4)(d) power to modify conferred by 2009 c. 25 Sch. 22 para. 35(2)
- s. 40B(9) text amended by 2006 c. 49 Sch. 2 para. 33
- s. 41B inserted by 2006 c. 49 s. 15(2)
- s. 44A inserted by 2006 c. 49 s. 9(3)
- s. 45A inserted by 2006 c. 49 Sch. 2 para. 10
- s. 45A(3)-(5) substituted by 2006 c. 49 Sch. 3 para. 42
- s. 57A inserted by 2006 c. 49 s. 9(5)
- s. 57A(1) text amended by 2006 c. 49 s. 10(9) Sch. 7(4)
- s. 57A(3) text amended by 2006 c. 49 s. 10(10)
- s. 57A(4) text amended by 2006 c. 49 s. 10(11)
- s. 58A inserted by 2006 c. 49 Sch. 2 para. 17
- s. 61A inserted by 2006 c. 49 Sch. 2 para. 19
- s. 61A heading text amended by 2006 c. 49 Sch. 3 para. 49(4) Sch. 7(4)
- s. 61A(1) text amended by 2006 c. 49 Sch. 3 para. 49(2) Sch. 7(4)
- s. 61A(3) text amended by 2006 c. 49 Sch. 3 para. 49(3)
- s. 77A inserted by 2006 c. 49 Sch. 2 para. 27
- s. 77A(1) text amended by 2006 c. 49 Sch. 3 para. 54(2)(a) Sch. 7(4)
- s. 77A(1) text amended by 2006 c. 49 Sch. 3 para. 54(2)(b)(c)
- s. 77A(2) text amended by 2006 c. 49 Sch. 3 para. 54(3)(a)(c)
- s. 77A(2) text amended by 2006 c. 49 Sch. 3 para. 54(3)(b) Sch. 7(4)
- s. 84A inserted by 2006 c. 49 Sch. 2 para. 30
- s. 90F text amended by 2008 c. 26 s. 128
- s. 91ZA 91ZB inserted by 2003 c. 32 s. 77(2)

- s. 91ZA(1)(b) text amended by 2006 c. 49 Sch. 3 para. 57(2)(a) Sch. 7(4)
- s. 91ZA(1)(d)-(f) repealed by 2006 c. 49 Sch. 3 para. 57(2)(b) Sch. 7(4)
- s. 91ZA(1)(h)-(j) repealed by 2006 c. 49 Sch. 3 para. 57(2)(c) Sch. 7(4)
- s. 91ZA(1)(i) text amended by 2006 c. 49 Sch. 2 para. 31(a)
- s. 91ZA(1)(k) text amended by 2006 c. 49 Sch. 2 para. 31(b)
- s. 91ZA(1)(k) text amended by 2006 c. 49 Sch. 3 para. 57(2)(d) Sch. 7(4)
- s. 91ZA(1)(l) repealed by 2006 c. 49 Sch. 3 para. 57(2)(e) Sch. 7(4)
- s. 91ZA(3)-(6) repealed by 2006 c. 49 Sch. 3 para. 57(3) Sch. 7(4)
- s. 91ZA(7) text amended by 2006 c. 49 Sch. 3 para. 57(4)(a) Sch. 7(4)
- s. 91ZA(7) text amended by 2006 c. 49 Sch. 3 para. 57(4)(b)
- s. 91ZA(8) text amended by 2006 c. 49 Sch. 3 para. 57(5) Sch. 7(4)
- s. 91ZA(9)(a) text amended by 2006 c. 49 Sch. 3 para. 57(6)(a)
- s. 91ZA(9)(b)(i) text amended by 2006 c. 49 Sch. 3 para. 57(6)(b)
- s. 91ZB repealed by 2006 c. 49 Sch. 3 para. 58 Sch. 7(4)
- s. 97A inserted by 2006 c. 49 s. 8

### **Commencement Orders yet to be applied to the Road Traffic Offenders Act 1988:**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/808 art. 2 commences (2002 c. 30)
- S.I. 2004/81 art. 2-5 commences (2003 c. 44)
- S.I. 2004/827 art. 2-4 commences (2003 c. 20)
- S.I. 2004/1572 art. 2 3 commences (2003 c. 20)
- S.I. 2004/2380 art. 2 commences (2004 c. 18)
- S.I. 2004/2624 art. 2 commences (2003 c. 32)
- S.I. 2004/3338 art. 2 commences (2003 c. 30)
- S.I. 2005/910 art. 3 commences (2003 c. 39)
- S.I. 2005/950 art. 2-4 commences (2003 c. 44)
- S.I. 2005/1521 art. 2-4 commences (2005 c. 15)
- S.I. 2005/1676 art. 2 commences (2005 c. 13)
- S.I. 2005/2122 art. 2 amendment to earlier commencing SI 2005/950 Sch. 2 para. 23
- S.I. 2006/2826 art. 2 commences (2004 c. 18)
- S.I. 2007/237 art. 2 commences (2006 c. 49)
- S.I. 2007/2472 art. 2 commences (2006 c. 49)
- S.I. 2007/3285 art. 2 commences (2005 c. 13)
- S.I. 2008/1918 art. 2 commences (2006 c. 49)
- S.I. 2008/2504 art. 2 commences (2007 c. 27)
- S.I. 2008/3164 art. 2-4 commences (2006 c. 49)
- S.I. 2009/107 art. 2-5 Sch. 1-5 Commencement Order
- S.I. 2009/1095 art. 2 commences (2004 c. 18)
- S.I. 2009/1604 art. 2 commences (2005 c. 4)
- S.I. 2011/19 art. 2 commences (2006 c. 49)
- S.I. 2011/3019 art. 3 Sch. 1 Comencement Order
- S.S.I. 2008/42 art. 3 commences (2007 asp 6)
- S.S.I. 2008/192 art. 3 Sch. commences (2007 asp 6)
- S.S.I. 2008/329 art. 3 Sch. commences (2007 asp 6)
- S.S.I. 2008/362 art. 3 Sch. commences (2007 asp 6)
- S.S.I. 2009/116 art. 3 Sch. commences (2007 asp 6)
- S.S.I. 2009/238 art. 1 revocation of earlier commencing SSI 2009/116
- S.S.I. 2009/432 art. 3 Sch. 1 2 commences (2007 asp 6)
- S.S.I. 2010/413 art. 2 Sch. commences (2010 asp 13)