



# Road Traffic Offenders Act 1988

## 1988 CHAPTER 53

### PART I

#### TRIAL

##### *Introductory*

## **2 Requirement of warning etc: supplementary.**

- (1) The requirement of section 1(1) of this Act does not apply in relation to an offence if, at the time of the offence or immediately after it, an accident occurs owing to the presence on a road of the vehicle in respect of which the offence was committed.
- (2) The requirement of section 1(1) of this Act does not apply in relation to an offence in respect of which—
  - (a) a fixed penalty notice (within the meaning of Part III of this Act) has been given or fixed under any provision of that Part, or
  - (b) a notice has been given under section 54(4) of this Act.
- (3) Failure to comply with the requirement of section 1(1) of this Act is not 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 requirement, or
  - (b) that the accused by his own conduct contributed to the failure.
- <sup>F1</sup>(4) Failure to comply with the requirement of section 1(1) of this Act in relation to an offence is not a bar to the conviction of a person of that offence by virtue of the provisions of—
  - (a) section 24 of this Act, or
  - (b) any of the enactments mentioned in section 24(6);

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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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but a person is not to be convicted of an offence by virtue of any of those provisions if section 1 applies to the offence with which he was charged and the requirement of section 1(1) was not satisfied in relation to the offence charged.]

**Annotations:**

**Amendments (Textual)**

- F1** S. 2(4) substituted (1.7.1992) for s. 2(4)-(6) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 81](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

**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. 2: 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.).

**Changes to legislation:**

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**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 Commencement 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)