



# Road Traffic Regulation Act 1967

## 1967 CHAPTER 76

### *Legal proceedings and destination of fines*

#### **89 Evidence by certificate.**

- (1) In any proceedings in England or Wales for an offence to which section 85 of this Act applies a certificate in the prescribed form, purporting to be 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.

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- (4) In this section "prescribed" means prescribed by rules made by the Secretary of State under section 242 of the Road Traffic Act 1960.

**90 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 to which section 85 of this Act applies—

- (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 the said section 85(2) 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.

**91 Time for commencing summary proceedings for offences under s. 86.**

Summary proceedings for an offence under section 86 of this Act may be brought—

- (a) within a period of six months from the date of the commission of the alleged offence, or
- (b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

**92 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 13(4), 23(5), 25(2) or 26(6), 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.

**93 Inclusion in indictment in Scotland of certain summary offences.**

- (1) A contravention occurring in Scotland of any of the provisions of this Act or of any regulations made thereunder, which is directed to be prosecuted summarily and which, if it had been triable on indictment, could competently have been libelled as an additional or alternative charge in an indictment charging a person with culpable homicide in respect of the driving or attempted driving or use of a motor vehicle, or with a contravention of section 1, section 2 or section 6 of the Road Traffic Act 1960, may, notwithstanding the direction aforesaid, be so libelled and may be tried accordingly.

In this subsection any reference to a contravention of regulations includes a reference to a failure to comply with regulations.

- (2) This section shall not apply to a contravention of any of the following provisions of this Act, that is to say, sections 31(3), 43(2) and (3) and 80(8).

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**94 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 (except offences under section 25(2), 26(6), 26A(5) or 31(5)) shall be deemed to be Exchequer moneys within the meaning of the said section 27.
- (2) All fines imposed in respect of offences under section 86 of this Act of which the offenders have been convicted on indictment shall be paid into the Exchequer in the manner and in accordance with the directions applicable by virtue of section 21(2) of the Vehicles (Excise) Act 1962 to the fines therein mentioned, and so shall all fines imposed in respect of offences committed in Scotland under the foregoing provisions of this Act, or the regulations made thereunder, being offences of which the offenders have been convicted otherwise than on indictment, except offences under section 25(2), 26(6) or 42 of this Act.