



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART I

TRIAL

After conviction

25 Information as to date of birth and sex.

- (1) If on convicting a person of an offence involving obligatory or discretionary disqualification or of such other offence as may be prescribed by regulations under section 105 of the ^{M1}Road Traffic Act 1988 the court does not know his date of birth, the court must order him to give that date to the court in writing.
- (2) If a court convicting a person of such an offence in a case where—
 - (a) notification has been given [^{F1}to [^{F2}the designated officer for a magistrates' court] in pursuance of section 12(4)] of the ^{M2}Magistrates' Courts Act 1980 (written pleas of guilty), or written intimation of a plea of guilty has been given in pursuance of section 334(3) of the ^{M3}Criminal Procedure (Scotland) Act 1975, and
 - (b) the notification or intimation did not include a statement of the person's sex, does not know the person's sex, the court must order the person to give that information to the court in writing.
- (3) A person who knowingly fails to comply with an order under subsection (1) or (2) above is guilty of an offence.
- ^{F3}(4)
- (5) Where a person has given his date of birth in accordance with this section or section 8 of this Act, the Secretary of State may serve on that person a notice in writing requiring him to provide the Secretary of State—
 - (a) with such evidence in that person's possession or obtainable by him as the Secretary of State may specify for the purpose of verifying that date, and

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- (b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time.
- (6) A person who knowingly fails to comply with a notice under subsection (5) above is guilty of an offence.
- (7) A notice to be served on any person under subsection (5) above may be served on him
- [^{F4}(a) if the conviction was in England and Wales, in accordance with Criminal Procedure Rules, or
- (b) if the conviction was elsewhere,] by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of [^{F5}this paragraph] and section 7 of the ^{M4}Interpretation Act 1978 in its application to [^{F5}this paragraph] the proper address of any person shall be his latest address as known to the person serving the notice.

Textual Amendments

- F1** Words in s. 25(2)(a) substituted (1.4.2001) for words “to the clerk of a court in pursuance of section 12(2)” by virtue of 1999 c. 22, s. 90(1), **Sch. 13 para. 142** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F2** Words in s. 25(2)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 311**; S.I. 2005/910, art. 3(y)
- F3** S. 25(4) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F4** Words in s. 25(7) inserted (28.6.2022) by Judicial Review and Courts Act 2022 (c. 35), s. 51(3), **Sch. 1 para. 11(5)(a)**
- F5** Words in s. 25(7) substituted (28.6.2022) by Judicial Review and Courts Act 2022 (c. 35), s. 51(3), **Sch. 1 para. 11(5)(b)**

Modifications etc. (not altering text)

- C1** S. 25: 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.
M2 1980 c. 43.
M3 1975 c. 21.
M4 1978 c. 30.

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

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

- s. 29(2A) inserted by [2006 c. 49 s. 34\(2\)](#)
- s. 30A-30D inserted by [2006 c. 49 s. 34\(3\)](#)
- s. 30C(5)(f) words substituted by [S.I. 2009/1885 Sch. 1 para. 15](#)
- s. 34A(7A) inserted by [2009 c. 25 Sch. 21 para. 90\(3\)\(d\)](#)
- s. 34B(12) added by [2009 c. 25 Sch. 21 para. 90\(4\)\(c\)](#)
- s. 34D-34G inserted by [2006 c. 49 s. 15\(1\)](#)
- s. 34D(1)(d) words inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(a\)](#)
- s. 34D(3) words inserted 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) words substituted by [2009 c. 25 Sch. 21 para. 90\(5\)\(d\)\(i\)](#)
- s. 34D(6)(b) words substituted 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) words substituted by [S.I. 2009/1885 Sch. 1 para. 17](#)
- s. 35A(6)(a) words substituted by [2012 c. 10 Sch. 13 para. 8\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 35A(6)(b) words inserted by [2012 c. 10 Sch. 13 para. 8\(c\)](#) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 36(13A) inserted by [2006 c. 49 s. 37\(6\)](#)
- s. 40B(9) words substituted by [2006 c. 49 Sch. 2 para. 33](#)
- s. 41B inserted by [2006 c. 49 s. 15\(2\)](#)
- s. 84(1) s. 84 renumbered as s. 84(1) by [2004 c. 28 s. 16\(3\)](#)
- s. 84(2)(3) inserted by [2004 c. 28 s. 16\(3\)](#)
- Sch. 1 para. 3(aa) inserted by [2006 c. 49 s. 15\(3\)\(a\)](#)
- Sch. 1 para. 4(za) inserted by [2006 c. 49 s. 15\(3\)\(b\)](#)