



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART I

TRIAL

Introductory

7 Duty of accused to provide licence.

[^{F1}(1)] A person who is prosecuted for an offence involving [^{F2}obligatory or discretionary disqualification] and who is the holder of a licence must—

- (a) cause it to be delivered to the [^{F3}proper officer] of the court not later than the day before the date appointed for the hearing, or
- (b) post it, at such a time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the clerk and either registered or sent by the recorded delivery service, or
- (c) have it with him at the hearing

[^{F4}and the foregoing obligations imposed on him as respects the licence also apply as respects the counterpart to the licence.]

[^{F5}(1A) Subsection (1B) applies where—

- (a) proceedings in relation to an offence involving obligatory or discretionary disqualification are instituted by a written charge and a single justice procedure notice,
- (b) the person prosecuted is the holder of a licence, and
- (c) after being convicted in proceedings conducted in accordance with section 16A of the Magistrates' Courts Act 1980, the person is given the opportunity to make representations or further representations under section 16C(2)(a) of that Act.

(1B) Where this subsection applies, the person must (instead of complying with subsection (1))—

Status: Point in time view as at 13/04/2015. This version of this provision has been superseded.

Changes to legislation: Road Traffic Offenders Act 1988, Section 7 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) cause the licence to be delivered to the designated officer specified in the single justice procedure notice within such period as the person is allowed for indicating a wish to make such representations,
- (b) post it, at such time that in the ordinary course of post it would be delivered within that period, in a letter duly addressed to that officer and either registered or sent by the recorded delivery service, or
- (c) if the person indicates a wish to make such representations, have the licence with him at the hearing appointed to be held because of that indication.

(1C) Subsection (1B) does not apply (and subsection (1) applies instead) if, before the period mentioned in subsection (1B)(a) comes to an end, a summons is issued under section 16B(3)(b) or 16C(3)(b) of the Magistrates' Courts Act 1980.]

[^{F6}(2) [^{F7}In this section—

“proper officer” means—]

- (a) in relation to a magistrates' court in England and Wales, the [^{F8}designated officer] for the court, and
- (b) in relation to any other court, the clerk of the court.

[^{F9}“single justice procedure notice” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.]]

Textual Amendments

- F1** S. 7(1); s. 7 renumbered as s. 7(1) (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 141** (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. 7 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 83**; S.I. 1992/1286, **art. 2, Sch.**
- F3** Words in s. 7(1)(a) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 141** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F4** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 1**
- F5** S. 7(1A)-(1C) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 11 para. 9(2)**; S.I. 2015/778, art. 3, Sch. 1 para. 77
- F6** S. 7(2) inserted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 141** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F7** Words in s. 7(2) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 11 para. 9(3)(a)**; S.I. 2015/778, art. 3, Sch. 1 para. 77
- F8** Words in s. 7(2) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 310**; S.I. 2005/910, art. 3(y)
- F9** Words in s. 7(2) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 11 para. 9(3)(b)**; S.I. 2015/778, art. 3, Sch. 1 para. 77

Modifications etc. (not altering text)

- C1** S. 7 applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)
- C2** S. 7: 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.**)
- C3** S. 7 extended (1.6.1997) by 1995 c. 13, s. 6, **Sch. 1 Pt. II**, para. 3(2); S.I. 1997/267, **art. 2(2)**
- C4** S. 7 applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(a)**

Status:

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