



Road Traffic Act 1960

1960 CHAPTER 16

PART VII

MISCELLANEOUS AND GENERAL

Legal Proceedings and Destination of Fines

241 Restrictions on prosecutions for certain offences

- (1) This section applies to offences against any of the following provisions of this Act, namely,—
- (a) subsection (1) of section two,
 - (b) subsection (1) of section three,
 - (c) section nine,
 - (d) subsection (1) of section ten,
 - (e) subsection (1) of section fourteen,
 - (f) section sixteen,
 - (g) subsection (1) of section nineteen, and
 - (h) subsection (1) of section twenty-four.
- (2) Subject to the following provisions of this section, where a person is prosecuted for an offence to which this section applies he shall not be convicted unless either—
- (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 the said fourteen days 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) except in the case of an offence against section nine or subsection (1) of section ten, served on or sent by registered post to him or the

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- person, if any, registered as the owner of the vehicle at the time of the commission of the offence ;
- (ii) in the said excepted case, served on or sent by registered post to him.
- (3) The requirement of the last foregoing subsection shall in every case be deemed to have been complied with unless and until the contrary is proved.
- (4) Failure to comply with the requirement of subsection (2) of this section shall not be 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 owner, 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 said requirement; or
 - (b) that the accused by his own conduct contributed to the failure.
- (5) A person may be convicted of an offence against subsection (1) of section two of this Act by virtue of subsection (2) or (3) of that section notwithstanding that the requirement of subsection (2) of this section has not been satisfied as respects that offence.
- (6) A person may be convicted of an offence against subsection (1) of section three of this Act notwithstanding that the requirement of subsection (2) of this section has not been satisfied as respects that offence where—
- (a) the charge for the said offence has been preferred against him by virtue of subsection (2) of the said section three ; and
 - (b) the said requirement has been satisfied, or does not apply, as respects the alleged offence against subsection (1) of section two of this Act.
- (7) A person may be convicted of an offence against subsection (1) of section ten of this Act notwithstanding that the requirement of subsection (2) of this section has not been satisfied as respects that offence where—
- (a) the charge for the said offence has been preferred against him by virtue of subsection (2) of the said section ten; and
 - (b) the said requirement has been satisfied, or does not apply, as respects the alleged offence against section nine of this Act.

242 Evidence by certificate

- (1) In any proceedings in England or Wales for an offence to which section two hundred and thirty-two 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 by, or belonged to, that person on a particular occasion; or
 - (b) that a particular motor vehicle belonged on a particular occasion 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 belonged on a particular occasion 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 to whom it belonged, as the case may be, on that occasion.

- (2) Nothing in the foregoing subsection 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) of this section 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.
- (4) In this section "prescribed" means prescribed by rules made by the Secretary of State by statutory instrument.

243 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 two hundred and thirty-two 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 fifteen of the Justices of the Peace Act, 1949, that a requirement under subsection (2) of the said section two hundred and thirty-two 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.

244 Time for commencing summary proceedings for certain offences

Summary proceedings for an offence under section one hundred and ten, two hundred and one or two hundred and thirty-three of this Act, an offence under section two hundred and thirty-four thereof consisting in the alteration of an entry made in a record under section one hundred and eighty-six thereof, or an offence under section two hundred and thirty-five or two hundred and thirty-six thereof 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.

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245 Jurisdiction of courts of summary jurisdiction in Scotland for certain offences

- (1) An offence against the foregoing provisions of this Act committed in Scotland (not being any of the offences mentioned in the following subsection) for which the maximum penalty that may be imposed does not exceed twenty pounds 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.
- (2) The offences referred to in the foregoing subsection are offences under the following provisions of this Act, namely subsection (1) of section twelve, section fifteen, section thirty-seven, subsection (2) of section forty-eight, subsection (1) of section sixty-six, subsection (4) of section sixty-seven, subsection (1) of section eighty-eight, subsection (2) of section one hundred and forty-eight, subsection (1) of section two hundred and twenty, subsection (2) of section two hundred and twenty-one, and section two hundred and twenty-nine, and an offence under subsection (4) of section two hundred and twenty-five consisting in a contravention of subsection (2) or (3) of that section.

246 Inclusion in indictment in Scotland of certain summary offences

- (1) A contravention occurring in Scotland of any of the foregoing provisions of this Act or of any regulations made thereunder (other than a contravention of the provisions mentioned in the next following subsection or of 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 two or section six of this Act may, notwithstanding the direction aforesaid, be so libelled and may be tried accordingly.
- (2) The contraventions referred to in the foregoing subsection are contraventions of the following provisions of this Act or of regulations made thereunder, namely, section twelve, section fifteen, section seventeen, section thirty-seven, section forty-one, subsection (2) of section forty-eight, subsection (1) of section sixty-six, subsection (4) of section sixty-seven, section eighty-eight, section one hundred and forty-eight, Part IV, subsection (1) of section two hundred and twenty, section two hundred and twenty-one, subsection (2) or (3) of section two hundred and twenty-five, section two hundred and twenty-seven, section two hundred and twenty-nine, subsection (1) of section two hundred and thirty-five in connection with a licence under Part IV of this Act, and section two hundred and thirty-eight.
- (3) In this section any reference to a contravention of regulations includes a reference to a failure to comply with regulations.

247 Destination of fines

- (1) All sums paid to the Secretary of State under section twenty-seven 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 subsection (5) of section thirty-three, subsection (2) of section forty-eight, subsection (6) of section forty-nine, subsection (9) of section eighty-one, subsection (7) of section one hundred and forty-one or subsection (2) of section one hundred and forty-eight or offences under regulations made under section thirty-four)

shall be deemed to be Exchequer moneys within the meaning of the said section twenty-seven.

- (2) All fines imposed in respect of offences under this Act of which the offenders have been convicted on indictment (except an offence under subsection (1) of section one or subsection (2) of section six or an offence under section two hundred and thirty-four consisting in the alteration of an entry made in a record under paragraph 14 of the Twelfth Schedule) shall be paid into the Exchequer in the same manner as penalties and forfeitures recovered under or in pursuance of the Vehicles (Excise) Act, 1949, and in accordance with such directions as may be contained with respect to such penalties and forfeitures in any Order in Council for the time being in force under that Act, 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 the following provisions, namely, subsection (2) of section six, subsection (1) of section twelve, section fifteen, section seventeen, subsection (2) of section forty-eight, subsection (6) of section forty-nine, subsection (1) of section sixty-six, subsection (4) of section sixty-seven, section eighty-eight, subsection (2) of section one hundred and forty-eight, subsection (1) of section two hundred and twenty, subsection (2) of section two hundred and twenty-one, section two hundred and twenty-nine and section two hundred and thirty-eight, an offence under subsection (4) of section two hundred and twenty-five consisting in a contravention of subsection (2) or (3) of that section and an offence under section two hundred and thirty-four consisting in the alteration of an entry made in a record under paragraph 14 of the Twelfth Schedule).