## STATUTORY INSTRUMENTS

## 2000 No. 2546

# **CRIMINAL PROCEDURE**

The Road Traffic (Owner Liability) Regulations 2000

Made - - - - 16th September 2000

Laid before Parliament 25th September 2000

Coming into force - - 16th October 2000

In exercise of the powers conferred upon him by section 84 of the Road Traffic Offenders Act 1988(1) (hereinafter referred to as "the Act"), the Secretary of State hereby makes the following Regulations:

- **1.** These Regulations may be cited as the Road Traffic (Owner Liability) Regulations 2000 and shall come into force on 16th October 2000.
- **2.** The forms contained in Schedule 1 to these Regulations or forms to the like effect may be used for the purposes of sections 62 to 68 of the Act.
- **3.** The particulars contained in Schedule 2 to these Regulations are hereby prescribed for the purpose of section 66(8) of the Act (particulars to be contained in hiring agreements).
- **4.** The Road Traffic (Owner Liability) Regulations 1975(**2**) and the Road Traffic (Owner Liability) (Scotland) Regulations 1975(**3**) are hereby revoked.

Home Office 16th September 2000 Charles Clarke Minister of State

<sup>(1) 1988</sup> c. 53.

<sup>(2)</sup> S.I. 1975/324.

<sup>(3)</sup> S.I. 1975/706.

## SCHEDULE 1

Regulation 2

## Forms

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- 7. Notice to owner of vehicle. (EC1)
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## Vehicle hire

13. Statement of liability. (H)
Signature
Explanatory Note

To(name)	
	(address)
ROAD TRAFFI	C OFFENDERS ACT 1988: s. 63(2)
Notic	CE TO OWNER OF VEHICLE
It is an offence to fail without rea days of receipt of this notice   [by. specified below has been paid [before	sonable excuse to comply with this notice [within [21]
You are alleged to have been the on(da	owner of vehicle, registration mark, nte of alleged offence).
Particulars of alleged offence	
(particulars of location) [from [at] on] giving reasonable cause for belie	seen in
[Here insert statement of the offer	nce alleged on the fixed penalty notice]
offence and offering the driver the	, was issued giving details of the alleged e opportunity of paying a fixed penalty of $\mathfrak L$ instead d penalty has not been paid within the time stated in
Payment of Fixed Penalty	
The fixed penalty of £ is payab	ole only to the [Clerk to the Justices at
[Clerk of the	de, it should be done [within [21] days
person's liability to conviction of	roceedings will not be taken for the offence, and any f the offence will thereby be discharged. <b>Otherwise</b> —
and return it to me at the a	nclosed statutory statement of ownership (form FP2) address shown on it [within [21] days of receipt of this(date)]. It is an offence to fail without oly with this requirement.
	h, complete and return with form FP2 the enclosed its (form FP3) relating to the driver.
(date)	([for] the [chief officer of police] [chief constable])
	(police force)

<sup>(</sup>a) Delete as appropriate, according to location of court in England and Wales or in Scotland.

To	([for] the [chief officer of police] [chief constable])
	(address)
From	(name)
X	(address)
	ROAD TRAFFIC OFFENDERS ACT 1988: s. 63(4)
	STATUTORY STATEMENT OF OWNERSHIP
the ow	ement on part A or B of this form may be produced in court as evidence to identify ner of the vehicle in any proceedings for the fixed penalty offence. It is an offence ngly or recklessly to furnish a false statement.
Part A	(this must be completed by the recipient of form FP1 if he was the owner when the offence specified in the fixed penalty notice is alleged to have been committed. Where appropriate, a vehicle-hire firm may instead complete Part C.)
on	the owner of vehicle, registration mark
	(owner's signature)
	(present address if different from X above)
Enter t	the date on which you are returning this statutory statement of ownership
Part B	(this must be completed by the recipient of form FP1 if he was <b>not</b> the owner when the offence specified in the fixed penalty notice is alleged to have been committed.)
on numbe	were not the owner of vehicle, registration mark
	If the answer is YES, and if the information is in your possession, you are required to complete the following statement:
	I disposed of that vehicle before that time to(name)
	of
	VIII

(b) did you become the owner after that time?
Insert YES or NO
If the answer is YES, and if the information is in your possession, you are required to complete the following statement:
I acquired that vehicle after that time from (name)
of
on (date of acquisition).
(signature)
(present address is different from X above)
Enter the date on which you are returning this statutory statement of ownership
ROAD TRAFFIC OFFENDERS ACT 1988: s. 66(2)
STATEMENT BY VEHICLE-HIRE FIRM IN LIEU OF STATUTORY STATEMENT OF OWNERSHIP
Part C (this may be completed by a vehicle-hire firm where appropriate.)
On (date) when the offence specified in fixed penalty notice,
number, is alleged to have been committed, vehicle, registration
mark, was let to
of
(signature)
(name and address)
(Name and present address of firm if different from X above)
Enter the date on which you are returning this statement

Form FP3ROAD TRAFFIC OFFENDERS ACT 1988: s. 63(6)STATUTORY STATEMENT OF FACTS

A statement on this form may be produced in court as evidence to identify the driver of the vehicle in any proceedings for the fixed penalty offence. It is an offence knowingly or recklessly to furnish a false statement.

Part A	(this may be completed by the owner if he was the driver when the offence specified in the fixed penalty notice is alleged to have been committed.)  I was the driver of vehicle, registration mark	
	on (date) when the offence specified in fixed penalty notice,	
	number, is alleged to have been committed.	
	(signature of owner/driver)	
	(date)	
Part B	(this may be completed by the owner if he was <b>not</b> the driver when the offence specified in the fixed penalty notice is alleged to have been committed. It should also be signed by the person stated to be the driver.)	
	I was not the driver of vehicle, registration mark,	
	on (date) when the offence specified in fixed penalty notice,	
	number, is alleged to have been committed. The driver	
	of that vehicle at that time was(name)	
	of (present address).	
	(owner's signature)	
	(date)	
	(signature of driver named above)	
	(date)	

То	(name)
	(address)
	(uuur ess)
	ROAD TRAFFIC OFFENDERS ACT 1988: ss. 63(2) and 66(4)
	NOTICE TO HIRER OF VEHICLE
of rec	on offence to fail without reasonable excuse to comply with this notice [within [21] days ceipt of this notice] [by
that, and ( as th vehic	py of a hiring agreement and a statement of liability signed by you, acknowledging during the currency of the hiring agreement, and for the purposes of sections 62 68 of, and Schedule 4 to, the Road Traffic Offenders Act 1988 you would be liable e owner in respect of certain offences which might be committed with respect to the, registration mark
the a	ement shows that this vehicle was let to you on, the date of lleged offence specified below.
	culars of alleged offence
(part	aforementioned vehicle was seen in
givin	g reasonable cause for belief that the offence [described below] [indicated by an isk in the [following] [enclosed] list] was being or had been committed.
	e insert statement of the offence alleged on the fixed penalty notice]
offen of be	ed penalty notice, number, was issued giving details of the alleged ce and offering the driver the opportunity of paying a fixed penalty of $\mathfrak t$ insteading prosecuted, but the fixed penalty has not been paid within the time stated in notice.
Payn	nent of Fixed Penalty
	fixed penalty of £ is payable only to the [Clerk to the Justices at
If pof recamous person	k of the
If the	e penalty is paid in this way proceedings will not be taken for the offence, and any
	on's liability to conviction of the offence will thereby be discharged. Otherwise—  a) You must complete the enclosed statutory statement of hiring (form FP5) and return it to me at the address shown on it [within [21] days of receipt of this notice] [by
(t	reasonable excuse to comply with this requirement.  b) You may also, if you wish, complete and return with form FP5 the enclosed statutory statement of facts (form FP6) relating to the driver.
 (date	) ([for] the [chief officer of police] [chief constable])
	(police force)

<sup>(</sup>a) Delete as appropriate, according to location of court in England and Wales or in Scotland.

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То	([for] the [chief officer of police] [chief constable])
	(address)
From	(name)
X	(address)
	ROAD TRAFFIC OFFENDERS ACT 1988: ss. 63(6) and 66(4)
	STATUTORY STATEMENT OF HIRING
vehicle	ement on this form may be produced in court as evidence to identify the hirer of the in any proceedings for the fixed penalty offence. It is an offence knowingly or ssly to furnish a false statement.
Part A	(this must be completed by the recipient of form FP4 if he was the hirer when the offence specified in the fixed penalty notice is alleged to have been committed.)
numbe mark .	
	(hirer's signature)
	(date)
	(present address if different from X above)
Enter	the date on which you are returning this statutory statement of hiring
Part B	(this must be completed by the recipient of form FP4 if he was <b>not</b> the hirer when the offence specified in the fixed penalty notice is alleged to have been committed.)
specific	cle, registration mark, was not let to you when the offence ed in fixed penalty notice, number, is alleged to have been itted on
I retur	ned that vehicle on(date).
	(signature)
	(present address if different from X above)

Enter the date on which you are returning this statutory statement of hiring.....

Form FP6ROAD TRAFFIC OFFENDERS ACT 1988: ss. 63(6) and 66(4)STATUTORY STATEMENT OF FACTS

A statement on this form may be produced in court as evidence to identify the driver of the vehicle in any proceedings for the fixed penalty offence. It is an offence knowingly or recklessly to furnish a false statement.

Part A	(this may be completed by the hirer if he was the driver when the offence specified in the fixed penalty notice is alleged to have been committed.)
	I was the driver of vehicle, registration mark,
	on (date) when the offence specified in fixed penalty notice,
	number, is alleged to have been committed.
	(signature of hirer/driver)
	(date)
	(this may be completed by the hirer if he was <b>not</b> the driver when the offence specified in the fixed penalty notice is alleged to have been committed. It should also be signed by the person stated to be the driver.)
	I was not the driver of vehicle, registration mark,
	on (date) when the offence specified in fixed penalty notice,
	number, is alleged to have been committed. The driver
	of that vehicle at that time was (name)
	of (present address).
	(hirer's signature)
	(date)
	(signature of driver named above)
	(date)

То	(name)
	(address)
	ROAD TRAFFIC OFFENDERS ACT 1988: s. 63(2)
	NOTICE TO OWNER OF VEHICLE
days	an offence to fail without reasonable excuse to comply with this notice [within [21] of receipt of this notice] [by
	are alleged to have been the owner of vehicle, registration mark
Part	iculars of alleged offence
(par	aforementioned vehicle was seen in
an e fail t	excess charge notice, number, was issued informing the driver that excess charge of had been incurred as above and that it is an offence to days of the date on which it was incurred, but the excess age has not been duly paid.
Payı	ment of Excess Charge
The at	excess charge of is payable only to
[by .	ayment is to be made, it should be done [within [21] days of receipt of this notice]
any	e excess charge is paid in this way proceedings will not be taken for the offence, and person's liability to conviction of the offence will thereby be discharged. erwise—
(	a) You must complete the enclosed statutory statement of ownership (form EC2) and return it to me at the address shown on it [within [21] days of receipt of this notice] [by
(	b) You may also, if you wish, complete and return with form EC2 the enclosed statutory statement of facts (form EC3) relating to the driver.
 (date	e) ([for] the local authority/the [chief officer of police] [chief constable])
	(local authority/police force)

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То	([for] the local authority/the [chief officer of police] [chief constable])
	officer of police] [chief constable])  (address)
_	
	(name)
X	(address)
	)
	ROAD TRAFFIC OFFENDERS ACT 1988: s. 63(6)
	STATUTORY STATEMENT OF OWNERSHIP
the own	ement on part A or B of this form may be produced in court as evidence to identify ner of the vehicle in any proceedings for the excess charge offence. It is an offence agly or recklessly to furnish a false statement.
Part A	(this must be completed by the recipient of form EC1 if he was the owner when the vehicle was left in the parking place concerned. Where appropriate, a vehicle-hire firm may instead complete Part C.)
	he owner of vehicle, registration mark, on, on
	(owner's signature)
	(present address if different from X above)
Enter t	the date on which you are returning this statutory statement of ownership
Part B	(this must be completed by the recipient of form EC1 if he was <b>not</b> the owner when the vehicle was left in the parking place concerned.)
on	were not the owner of vehicle, registration mark
	d to in excess charge notice, number, did you cease to be the owner before that time?
(4)	Insert YES or NO
	If the answer is YES, and if the information is in your possession, you are required to complete the following statement:
	I disposed of that vehicle before that time to(name)
	of(address)
	on(date of disposal).
	14

(b) did you become the owner after that time?
Insert YES or NO
If the answer is YES, and if the information is in your possession, you are required to complete the following statement:
I acquired that vehicle after that time from (name)
of
on (date of acquisition).
(signature)
(present address is different from X above)
Enter the date on which you are returning this statutory statement of ownership
ROAD TRAFFIC OFFENDERS ACT 1988: s. 66(2)
STATEMENT BY VEHICLE-HIRE FIRM IN LIEU OF STATUTORY STATEMENT OF OWNERSHIP
Part C (this may be completed by a vehicle-hire firm where appropriate.)
On
was left in the parking place referred to in excess charge notice, number
, it was let to (name) of
A copy of that agreement (containing the particulars prescribed in the Road Traffic (Owner Liability) Regulations 2000) and of the statement of liability are enclosed.
(signature)
(name and address)
(Name and present address of firm if different from ${f X}$ above)
Enter the date on which you are returning this statement

Form EC3ROAD TRAFFIC OFFENDERS ACT 1988: ss. 63(6) and 66(4)STATUTORY STATEMENT OF FACTS

A statement on this form may be produced in court as evidence to identify the driver of the vehicle in any proceedings for the excess charge offence. It is an offence knowingly or recklessly to furnish a false statement.

Part A	(this may be completed by the owner if he was the driver when the vehicle was left in the parking place concerned.)	
	I was the driver of vehicle, registration mark,	
	on (date) when that vehicle was left in the parking place	
	referred to in excess charge notice, number	
	(signature of owner/driver)	
	(date)	
Part B	(this may be completed by the owner if he was <b>not</b> the driver when the vehicle was left in the parking place concerned. It should also be signed by the person stated to be the driver.)	
	I was not the driver of vehicle, registration mark,	
	on (date) when that vehicle was left in the parking place	
	referred to in excess charge notice, number	
	of that vehicle at that time was (name)	
	of (present address).	
	(owner's signature)	
	(date)	
	(signature of driver named above)	
	(date)	

То	(name)
	(address)
ROAD TI	RAFFIC OFFENDERS ACT 1988: ss. 63(6) and 66(4)
	Notice to Hirer of Vehicle
It is an offence to far days of receipt of thi specified below has b	il without reasonable excuse to comply with this notice [within [21] is notice] [by
that, during the curi to 68 of, and Schedu as the owner in resp vehicle, registration	greement and a statement of liability signed by you, acknowledging rency of the hiring agreement, and for the purposes of sections 62 alle 4 to, the Road Traffic Offenders Act 1988 you would be liable sect of any excess charge which might be incurred with respect to mark, has been received from
Particulars of allege	d offence
(particulars of locati giving reasonable ca	d vehicle was seen in
An excess charge no driver that an excess offence to fail to pay but the excess charge	otice, number, was issued informing the scharge of had been incurred as above and that it is an y it within days of the date on which it was incurred, the has not been duly paid.
Payment of Excess O	
The excess charge of at	f is payable only to
[by	made, it should be done [within [21] days of receipt of this notice](date)].  mner of payment may be inserted here)
If the excess charge i any person's liabile Otherwise—	s paid in this way proceedings will not be taken for the offence, and ity to conviction of the offence will thereby be discharged.
return it to n notice] [by	mplete the enclosed statutory statement of hiring (form EC5) and ne at the address shown on it [within [21] days of receipt of this
	o, if you wish, complete and return with form EC5 the enclosed tement of facts (form EC6) relating to the driver.
(date)	([for] the local authority/the [chief officer of police] [chief constable])
	(local authority/police force)

То	([for] the local authority/the [chief officer of police] [chief constable])
	officer of police] [chief constable])  (address)
	]
From	(name)
X	(address)
	(address)
	ROAD TRAFFIC OFFENDERS ACT 1988: ss. 63(6) and 66(4)
	STATUTORY STATEMENT OF HIRING
in any	ment on this form may be produced in court as evidence to identify the hirer of the vehicle proceedings for the excess charge offence. It is an offence knowingly or recklessly to a false statement.
Part A	(this must be completed by the recipient of form EC4 if he was the hirer when the vehicle was left in the parking place concerned.)
was lef that ve	
	(hirer's signature)
	(date)
	(present address if different from X above)
Enter t	he date on which you are returning this statutory statement of hiring
Part B	(this must be completed by the recipient of form EC4 if he was <b>not</b> the hirer when the vehicle was left in the parking place concerned.)
in the pon	cle, registration mark
I return	ned that vehicle on(date).
	(signature)
	(present address if different from X above)
Enter t	he date on which you are returning this statutory statement of hiring

Form EC6ROAD TRAFFIC OFFENDERS ACT 1988: ss. 63(6) and 66(4)STATUTORY STATEMENT OF FACTS

A statement on this form may be produced in court as evidence to identify the driver of the vehicle in any proceedings for the excess charge offence. It is an offence knowingly or recklessly to furnish a false statement.

Form HROAD TRAFFIC OFFENDERS ACT 1988: s. 66(3)STATEMENT OF LIABILITY

# PART I

I hereby acknowledge that during the currency of [the hiring agreement above]
[my hiring agreement with
(name and address of firm) for the period
Act 1988, I shall be liable as the owner of vehicle, registration mark, in respect of—
(a) any of the following offences which may be committed with respect to that vehicle when it is stationary and when a fixed penalty notice is issued: being on a road during the hours of darkness without the lights or reflectors required by law; waiting, or being left or parked, or being loaded or unloaded, in a road; being used or kept on a public road without the vehicle licence being exhibited on the vehicle in the prescribed manner; and the non-payment of the charge made at a street parking place; and
(b) any excess charge which may be incurred in pursuance of an order under sections 45 and 46 of the Road Traffic Regulation Act 1984 (provision on highways of parking places where charges are made).
[I also acknowledge that this liability shall extend to any other vehicle let to me under the same hiring agreement and to any period by which the original period of hiring may be extended.]
(signature)
(date) (full name in block capitals)
PART II
PART II  I hereby acknowledge that during the currency of [any hiring agreement] made
I hereby acknowledge that during the currency of [any hiring agreement] made
I hereby acknowledge that during the currency of [any hiring agreement] made in pursuance of my arrangement with
I hereby acknowledge that during the currency of [any hiring agreement] made in pursuance of my arrangement with
I hereby acknowledge that during the currency of [any hiring agreement] made in pursuance of my arrangement with

#### SCHEDULE 2

Regulation 3

Particulars required in a Hiring Agreement to comply with Section 66 of the Road Traffic Offenders Act 1988

## A Particulars of person signing statement of liability\*

- 1 Full Name
- 2. Date of birth.
- 3. Permanent Address.
- 4. Address at time of hiring (if different from 3 above and stay is likely to be more than two months from date of hiring).
- 5. Details of driving licence:
  - (a) country where issued (if not UK),
  - (b) serial number or driver's number,
  - (c) date of expiry (which should be no later than date specified in B7 below).
- \* Where the statement of liability is in Part II of form H, the full name and address of the person by or on whose behalf the statement of liability was signed should be supplied together with the date on which it was signed. If the person taking possession of the vehicle is not the same as the person by or on whose behalf the statement was signed, the full name of that person should also be supplied (if known).

## **B** Particulars of hiring agreements

- 1. Registration mark of vehicle hired under the hiring agreement.
- 2. Make and model of vehicle hired under the hiring agreement.
- 3. Registration mark of any vehicle substituted for the above during the currency of the hiring agreement.
- 4. Make and model of any vehicle substituted for the above during the currency of the hiring agreement.
- 5. Time and date of any change of vehicle.
- 6. Time and date of commencement of original hiring period.
- 7. Expected time and date of expiry of original hiring period.
- †8. Time and date of commencement of authorised extension of hiring period.
- †9. Expected time and date of expiry of authorised extension of hiring period.
- †10. Actual time and date of return of vehicle (or when vehicle returned out of hours time and date on which vehicle-hire firm next opened for business).
- † This requirement applies only to the vehicle hire firm's copy of the hiring agreement.

## **EXPLANATORY NOTE**

(This note is not part of the Regulations)

Schedule 1 to these Regulations prescribes forms for use in connection with sections 62 to 68 of and Schedule 4 to the Road Traffic Offenders Act 1988 (notices fixed to vehicles). Schedule 2 prescribes the particulars which must be contained in vehicle hiring agreements in order to attract the provisions of section 66 of the Act (hired vehicles).