



# Road Traffic Offenders Act 1988

## 1988 CHAPTER 53

### PART I

#### TRIAL

##### *Introductory*

### **1 Requirement of warning etc. of prosecutions for certain offences.**

(1) Subject to section 2 of this Act, [<sup>F1</sup>a person shall not be convicted of an offence to which this section applies unless]—

- (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 fourteen days of the commission of the offence 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) in the case of an offence under section 28 or 29 of the <sup>M1</sup>Road Traffic Act 1988 (cycling offences), served on him,
  - (ii) in the case of any other offence, served on him or on the person, if any, registered as the keeper of the vehicle at the time of the commission of the offence.

[<sup>F2</sup>(1ZA) In the case of an offence to be prosecuted in England and Wales, a notice required by this section to be served on any person may be served on that person in accordance with Criminal Procedure Rules.

(1ZB) For the purposes of subsection (1ZA)—

- (a) Criminal Procedure Rules (as they have effect from time to time) apply to the notice as if it were a document to be served in criminal proceedings before a magistrates' court, and

**Changes to legislation:** Road Traffic Offenders Act 1988, Section 1 is up to date with all changes known to be in force on or before 22 April 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) View outstanding changes

- (b) any magistrates' court may discharge functions conferred on a court by those Rules in relation to such service.

(1ZC) In the case of an offence to be prosecuted elsewhere, subsections (1A) and (2) apply.]

[<sup>F3</sup>(1A) A notice required by this section to be served on any person may be served on that person—

- (a) by delivering it to him;  
 (b) by addressing it to him and leaving it at his last known address; or  
 (c) by sending it by registered post, recorded delivery service or first class post addressed to him at his last known address.]

(2) A notice shall be deemed for the purposes of subsection (1)(c) above to have been served on a person if it was sent by registered post or recorded delivery service addressed to him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him.

(3) The requirement of subsection (1) above shall in every case be deemed to have been complied with unless and until the contrary is proved.

(4) Schedule 1 to this Act shows the offences to which this section applies.

#### Textual Amendments

- F1** Words in s. 1(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 80**; S.I. 1992/1286, art. 2, **Sch.**  
**F2** S. 1(1ZA)-(1ZC) inserted (28.6.2022) by Judicial Review and Courts Act 2022 (c. 35), s. 51(3), **Sch. 1 para. 11(2)**  
**F3** S. 1(1A) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 6(3)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

#### Modifications etc. (not altering text)

- C1** Ss. 1, 2 excluded by Road Traffic Act 1988 (c. 52, SIF 107:1), s. 193, Sch. 4 paras. 8, **11**  
**C2** S. 1: 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. 1 applied (31.3.2009) by Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009 (S.I. 2009/493), regs. 1, **19(a)** (with reg. 3)

#### Marginal Citations

- M1** 1988 c. 52.

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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\(3\)\(b\)](#)