



# Road Traffic Offenders Act 1988

## 1988 CHAPTER 53

### PART I

#### TRIAL

##### *Trial*

### **12 Proof, in summary proceedings, of identity of driver of vehicle.**

- (1) Where on the summary trial in England and Wales of an information for an offence to which this subsection applies—
  - (a) it is proved to the satisfaction of the court, on oath or in manner prescribed by [<sup>F1</sup>Criminal Procedure Rules], that a requirement under section 172(2) of the <sup>M1</sup>Road Traffic Act 1988 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 [<sup>F2</sup>in accordance with Criminal Procedure Rules], 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.
- (2) Schedule 1 to this Act shows the offences to which subsection (1) above applies.
- (3) Where on the summary trial in England and Wales of an information for an offence to which section 112 of the <sup>M2</sup>Road Traffic Regulation Act 1984 applies—
  - (a) it is proved to the satisfaction of the court, on oath or in manner prescribed by [<sup>F3</sup>Criminal Procedure Rules], that a requirement under section 112(2) of the Road Traffic Regulation Act 1984 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 [<sup>F4</sup>in accordance with Criminal Procedure Rules], and

**Changes to legislation:** Road Traffic Offenders Act 1988, Section 12 is up to date with all changes known to be in force on or before 30 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) 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.

<sup>F5</sup>[( 4 ) In summary proceedings in Scotland for an offence to which section 20(2) of the [<sup>F6</sup>this Act]] applies, where—

(a) it is proved to the satisfaction of the court that a requirement under section 172(2) of the Road Traffic Act 1988 to give information as to the identity of a driver on a particular occasion to which the complaint 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, that statement shall be sufficient evidence that the accused was the driver of the vehicle on that occasion.

#### Textual Amendments

- F1** Words in s. 12(1)(a) substituted (1.9.2004) by [Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 2(1), [Sch. para. 30](#) (with art. 2(2))
- F2** Words in s. 12(1)(a) substituted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(3), [Sch. 1 para. 11\(3\)](#)
- F3** Words in s. 12(3)(a) substituted (1.9.2004) by [Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 2(1), [Sch. para. 30](#) (with art. 2(2))
- F4** Words in s. 12(3)(a) substituted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(3), [Sch. 1 para. 11\(3\)](#)
- F5** S. 12(4) added (1.4.1993) only for the purposes of summary criminal proceedings in Scotland which are commenced on or after 1.4.1993) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 85](#); [S.I. 1993/975](#), [art. 2 Sch.](#)
- F6** Words in s. 12(4) (as proposed to be inserted by 1991 c. 40, [Sch. 4 para. 85](#)) substituted (S.) (29.3.1993) by [1993 c. 9](#), s. 47(1), [Sch. 5 para. 5](#) (with s. 47(2), [Sch. 6 paras. 1, 2](#))

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

- C1** S. 12 extended by [Greater London Council \(General Powers\) Act 1974 \(c. xxiv, SIF 107:1\)](#), s. 15(2) (b) (as amended by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 3 para. 12\(a\)](#))
- C2** S. 12(1) applied (31.3.2009) by [Road Safety \(Immobilisation, Removal and Disposal of Vehicles\) Regulations 2009 \(S.I. 2009/493\)](#), regs. 1, [19\(d\)](#) (with reg. 3)

#### Marginal Citations

- M1** 1988 c. 52.
- M2** 1984 c. 27.

**Changes to legislation:**

Road Traffic Offenders Act 1988, Section 12 is up to date with all changes known to be in force on or before 30 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.

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