



# Road Traffic Offenders Act 1988

## 1988 CHAPTER 53

### PART I

#### TRIAL

##### *Introductory*

## **2 Requirement of warning etc: supplementary.**

- (1) The requirement of section 1(1) of this Act does not apply in relation to an offence if, at the time of the offence or immediately after it, an accident occurs owing to the presence on a road of the vehicle in respect of which the offence was committed.
- (2) The requirement of section 1(1) of this Act does not apply in relation to an offence in respect of which—
  - (a) a fixed penalty notice (within the meaning of Part III of this Act) has been given or fixed under any provision of that Part, <sup>F1</sup>...
  - <sup>F2</sup>(b) .....
- (3) Failure to comply with the requirement of section 1(1) of this Act is not 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 keeper, 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 requirement, or
  - (b) that the accused by his own conduct contributed to the failure.
- <sup>F3</sup>(4) Failure to comply with the requirement of section 1(1) of this Act in relation to an offence is not a bar to the conviction of a person of that offence by virtue of the provisions of—
  - (a) section 24 of this Act, or
  - (b) any of the enactments mentioned in section 24(6);

---

**Changes to legislation:** Road Traffic Offenders Act 1988, Section 2 is up to date with all changes known to be in force on or before 20 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

---

but a person is not to be convicted of an offence by virtue of any of those provisions if section 1 applies to the offence with which he was charged and the requirement of section 1(1) was not satisfied in relation to the offence charged.]

---

#### Textual Amendments

- F1** Word in s. 2(2)(a) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(1), [Sch. 10 para. 2\(2\)\(a\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F2** S. 2(2)(b) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(1), [Sch. 10 para. 2\(2\)\(b\)](#); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F3** S. 2(4) substituted (1.7.1992) for s. 2(4)-(6) by [Road Traffic Act 1991](#) (c. 40, SIF 107:1), s. 48, [Sch. 4 para. 81](#); S.I. 1992/1286, [art. 2](#), Sch.

---

#### 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. 2: 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.).

**Changes to legislation:**

Road Traffic Offenders Act 1988, Section 2 is up to date with all changes known to be in force on or before 20 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.

[View outstanding changes](#)

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