

BASIC TRAFFIC LEGISLATION KNOW YOUR RESPONSIBILITIES

These questions may save you having to appear in court so please read carefully.

I do not know who was driving the vehicle at the time of the alleged offence, so how can I provide these details?

It is the legal duty of the registered keeper to know who is driving the vehicle at all times. **Not the Police.** Correspondence received in this office to that effect could result in the Registered Keeper or all parties involved being summoned to Court for failing to give the information required. Please be aware, explanations such as "my partner and I both drove the car that day, and cannot recall who was driving the car at the time", or "it was a long journey and we shared the driving", none are acceptable explanations as to why the driver cannot be established. **Failure to comply with our request for driver details within 28 days of the date of the letter will constitute an offence that may result in your file being forwarded to the Crown Prosecution Service for prosecution under Section 172 of Road Traffic Act 1988. Section 172 holds a maximum penalty of 6 points and a £1000 fine.**

It's a company vehicle, lots of people can drive it, how can I send in details?

It is the responsibility of the Company or Company Secretary to know who is driving any vehicle at any time. (E.g. a log book) Correspondence received in this office stating that a driver cannot be established due to a log book not being in place or not completed at the time of the alleged offence, could result in your file being forwarded to the Crown Prosecution Service for prosecution under Section 172 of Road Traffic Act 1988.

Why should I incriminate myself or anyone else by providing details on who was driving?

It is a requirement under the law to provide this information when requested to do so by person authorised by the Chief Constable.

Why did I not receive the Notice of Intended Prosecution (NIP) within 14 days?

The initial NIP by law is sent to the REGISTERED KEEPER of the vehicle within 14 days. It is possible that you have been nominated as the driver at the time of the offence by the registered Keeper, following their receipt of the initial NIP within 14 days. If you have purchased a new car recently it could be that the new owner details have not yet been processed by the DVLA or it could be that our Police computers have not yet had a chance to synchronise with the DVLA database. It should be noted that we are required to send a Notice of Intended Prosecution to the registered keeper **as far as our records show** within 14 days. The delay of a system update resulting in the previous owner being contacted first does not mean that the 14 day law has not been complied with.

I was the Driver and have been given the paperwork by the Registered Keeper. Can I fill it in?

NO. Paperwork can only be filled in by the person named at the top of the paperwork itself. The person whose name is at the top of the paperwork **MUST** complete all sections of the form and sign and date it.

I would like to see the evidence held against me. I think I am entitled to Legal documentation, Calibration Certificates, Photographs and Signage Regulations before I have to confirm who the driver is or pay the fine, is this correct?

No there is no requirement and therefore the Police DO NOT supply any documentation at this stage. Such evidence can be produced in the event of a Court hearing and will only be done via the Crown Prosecution Service. If you wish to proceed with this request then we require a written request for a Court hearing, **along with a completed form that has been addressed to you confirming yourself as the driver.**

It is important to remember that the photographs are produced solely to identify the vehicle at the time of the alleged offence and not to identify the driver, it often occurs that they do not give enough distinctive information about the driver in question to establish who that person is.

I am aware of courses that are offered instead of a fine and points. Can I attend one of these?

If you qualify for a Speed Awareness Course you will automatically be offered this opportunity. If you have not had this offer sent to you then you do not qualify.

What about Foreign Drivers?

Please be aware that as with all UK road users, the driver is required to have valid insurance and is expected to be able to provide evidence of this when requested. Explanations such as "The driver has returned home to another Country" will not be accepted and could result in the registered keeper being summonsed to Court.

The maximum penalty for driving without insurance or allowing an uninsured person to drive your vehicle is a fine of £2500 and 8 points A UK registered vehicle driven by a person using non UK insurance is legally not insured to drive the vehicle within the UK. If you allow someone who does not have valid insurance from an authorised UK Insurer to drive your UK registered vehicle you are liable for prosecution. Full driver details are required including a full name and address.