

## **FREQUENTLY ASKED QUESTIONS (FOR NOTICE OF INTENDED PROSECUTION)**

**We strongly advise that for any further interpretation of these points you seek legal advice through a solicitor.**

### **Why have I received the notice?**

The vehicle described on the notice was observed in circumstances that gave a Police Constable or civilian officer (e.g. a Police Community Support Officer) reasonable cause to believe that the offence indicated was being, or had been, committed. As the driver was not identified at the time, Humberside Police require your assistance with driver identification.

### **What do I have to do now?**

If the notice is addressed to you, you must complete, sign and return the form within 28 days. If you were not the driver, do not give the form to him/her, but instead, you must complete the form providing the requested information so that the driver may be identified. A form will be sent to him/her in due course. Once the driver has returned his/her form providing signed confirmation, the driver will be notified by post of the course of action to be taken by the Police.

### **What cause of action may be taken?**

Possible causes of action, depending on the nature and circumstances of the offence, may include the issue of a Conditional Offer of a Fixed Penalty, the opportunity to attend a Driver Offender Retraining Scheme course or prosecution at court.

**Multiple offences:** If more than one alleged offence was witnessed at the same time as the one to which this notice refers, you may receive one or more further notices under separate cover, in which case you should respond to each notice in turn in accordance with the instructions provided with each notice.

**I am the vehicle keeper, but not the driver:** As the person keeping the vehicle, you are required, within 28 days, to complete and return the Section 172 Statement (page 2), providing the full name, address and date of birth of the driver at the time of the alleged offence. You must sign the form where indicated. Failure to comply within the specified time limit may render you liable to prosecution. The maximum penalty for failing to provide the information is a fine of £1000 and 6 penalty points on your driving licence. (Section 172 of the Road Traffic Act 1988).

**Business vehicles:** As a responsible employer you have a duty to identify the driver of the vehicle in question. If you are a company vehicle owner, your records should assist you to identify the driver. Failure to nominate the driver could result in prosecution. If you wish to nominate another person as the driver, DO NOT give them the form to fill in. Instead, you must complete Sections B and C of the Section 172 Statement (page 2), sign where indicated and return it to us within the statutory 28 day period. We will write to the nominated person in due course.

### **I sold or purchased the vehicle recently. Why have I still received the notice?**

We have found, or been provided with, your details during the course of our enquiries to identify the driver. E.g. it may be that the DVLA record for the vehicle showed you as the current or previous keeper, or another individual or company may have informed us that the vehicle is in your possession. You have a statutory obligation to complete the Section 172 Statement (page 2), detailing who the vehicle was sold to or acquired from.

### **What happens if I ignore the notice?**

Failure to respond to the notice will result in the matter being passed to the Magistrates' Courts for failure to provide the required information and any further offences revealed.

### **My notice arrived more than 14 days after the alleged offence. Shouldn't I have been notified within that time-scale?**

A Notice of Intended Prosecution is not a statutory requirement for all types of offence. Where a notice is required, this must normally be served to the registered keeper of the vehicle, as recorded by the DVLA, within 14 days of the alleged offence. There are certain instances, however, when failure to serve the Notice of Intended Prosecution within 14 days may not prevent a conviction. If your Notice of Intended Prosecution arrived after this time, it could mean that a notice was initially despatched to the registered keeper and you

were subsequently named as the current driver / keeper / hirer of the vehicle, or it may be that the Central Ticket Office has applied a statutory exemption. (Sections 1 & 2 and Schedule 1 of the Road Traffic Offenders Act 1988.)

**Office contact details are provided at the bottom of page 1 of the notice.**

### **Useful Links**

[www.humberside.police.uk](http://www.humberside.police.uk) – Humberside Police official website

[www.saferoadshumber.com](http://www.saferoadshumber.com) - for information relating to road safety in Humberside.

[www.dvla.gov.uk](http://www.dvla.gov.uk) - for information relating to driving licences/driving records in Great Britain.

[www.gov.uk/government/organisations/hm-courts-and-tribunals-service](http://www.gov.uk/government/organisations/hm-courts-and-tribunals-service) - for information relating to court matters.

## **OPERATION SNAP**

### **What does Operation Snap mean?**

If reference is made to Operation Snap on page 1 of the notice, this means that a member of the public has reported the traffic offence allegation to the Police. Under Operation Snap, video evidence, such as from a dashcam, is uploaded to the Police via a dedicated online portal. The evidence is reviewed by a Police Constable or Policing Support Officer to determine whether there is sufficient evidence to take action before the notice is despatched.

### **Can I view the Operation Snap evidence?**

Once the driver at the time of the alleged offence has been confirmed, images and/or further information may be sent, on request, to the driver's email address or discussed over the telephone. If the notice is addressed to you and you were the driver, you must complete, sign and return the notice confirming this within 28 days. You may enclose a request for images or further information with the completed form. Please ensure you have provided your correct email address and telephone number.

**Office contact details are provided at the bottom of page 1 of the notice.**

### **Link to further information about Operation Snap**

[www.humberside.police.uk/police-forces/humberside-police/areas/campaigns/campaigns/operation-snap/](http://www.humberside.police.uk/police-forces/humberside-police/areas/campaigns/campaigns/operation-snap/)