

FREQUENTLY ASKED QUESTIONS FOR NOTICE OF INTENDED PROSECUTION (SAFETY CAMERA)

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

Why have I received the notice?

It is alleged that the driver of the vehicle referred to on the notice committed the stated offence at the given date and time. The alleged offence was recorded with the assistance of safety camera equipment. 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 respond within 28 days.

WE DO NOT REQUIRE ANY PAYMENT OR DRIVING LICENCE AT THIS TIME.

You may be able to respond online using the Humberside Police Road Safety Portal (<https://humberside.rsportal.org.uk>). See the box on Page 1 of the notice for the Notice Number and Security PIN, which are required to access the Portal. Alternatively, complete, sign and return the paper form within 28 days. If you provide your response on the Portal, you do not need to return the paper form.

If you were not the driver, do not give the form to the driver, but instead, you must respond to us within 28 days providing the requested information so that the driver may be identified. A form will be sent to them in due course. Once the driver has responded to the notice sent to them confirming they were the driver, they will be notified by post of the course of action to be taken by the Police.

If you were the driver and you are the holder of a **non DVLA format driving licence**, you will not be able to respond using the online Portal. Please send a **photocopy** of your driving licence to the Central Ticket Office in the post with your fully completed and signed Section 172 Statement (page 2).

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 the 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 provide the full name, address and date of birth of the driver at the time of the alleged offence, either using the online Portal or by completing and returning the form. 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 provide their details within 28 days either on the online Portal or by completing Sections B and C of the Section 172 Statement (page 2), signing where indicated and returning it to us. 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 respond within 28 days 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.

I want to see the evidence before I provide driver details. Is this possible?

Assistance with identifying the driver: Images of the alleged offence may be available to view on the Humberside Police Road Safety Portal (<https://humberside.rsportal.org.uk>). See the box on Page 1 of the notice for the Notice Number and Security PIN, which are required to access the Portal. If images of the alleged offence are not available on the Portal, you may request a copy of the photographic evidence by telephone, email or letter to the Central Ticket Office.
(Email address: SCPEnquiryOfficer@humberside.pnn.police.uk)

This does not extend the statutory 28 day response period, so you should allow enough time for your request to be actioned. Viewing the photograph(s) will not necessarily help you with driver identification, as the purpose of the photographic evidence is to show the vehicle, not the driver. If the driver is not clearly visible, you must make your own enquiries in order to meet the requirement to provide information relevant to the identification of the driver as specified in Section 172 of the Road Traffic Act 1988. You should re-check your movements for that day and those of others who had access to your vehicle. It may help to check your records, receipts, bank statements, etc.

Other reasons for requesting to see the evidence: There is no entitlement for information under Rule 21 of the Criminal Procedure Rules 2005 as these only relate to proceedings for more serious offences. However, if the matter results in court proceedings (whether by your request or a Police prosecution), in the case of a not guilty plea, once a court notification (Single Justice Procedure Notice or Postal Requisition) has been issued, the defendant or a legal representative may make representations to the Crown Prosecution Service for any relevant items. The Police will provide evidence to support the alleged offence to the Crown Prosecution Service. This will include, but not exclusively, evidence of the accuracy of the device, photographic evidence and statements from witnesses. The Central Ticket Office will not adjudicate over disputed facts and any requests for documentation prior the court process will be declined.

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.)

Useful Links

www.humberside.police.uk – Humberside Police official website

www.saferroadshumber.com - for information relating to road safety in Humberside.

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 - for information relating to court matters.