


☐

I'm not robot


reCAPTCHA

I am not robot!

Section 172 notice request for information pdf

What is a section 18 notice. What is a section 172 notice. Section 172 requirement for information. Section 34 notice example. Section 16 request for information.

Make sure you can prove you have replied to a 172 notice. When police request driver details.

Single Justice Procedural Notices

You are receiving this pack because you have charged with driving offence(s)

Charges
See overview for full charge details

- 1 - Localised temporary Single speed restriction on date **22/08/2018**
1 - **Automatic** - automatic camera device

You now have 21 days to plead guilty or not guilty to each charge

What happens next?

Plead by post

- Fill in the forms in this pack
- You must fill in the Statement of means form (MC100)

Or

Plead online

- Go to www.thetrafficmagistrates.co.uk
- You'll need to enter information from the charge sheet(s) in this pack.

If you need help pleading online

Call 0300 033 2146 (Mon – Mon 9am – 5pm)

Please ensure you are connected to the local before you call.

The staff at the call centre are not police or HMCTS staff and cannot answer questions regarding your offence(s).

If you plead guilty using this notice, you'll usually get a 33% reduction on any fine

Warnings:

You have 21 days to respond to this notice or otherwise you be heard without you, and you may be found guilty and sentenced in your absence. If you want to consider a solicitor or advice agency, you must do so.

Make sure you can prove you have replied to a 172 notice. When police request driver details. Section 172 Road Traffic Act requirements - Some simple practical advice. These notices are issued in huge numbers across the UK every week and yet often cause difficulty. parawuxo What happens when the police say they never received it back and claim it can't have been posted to them? On the 10 October 2017 the High Court clarified this issue. The Section 172 Notice procedure requires a written and signed response from the registered keeper giving details of the driver. That's the easy part. If the police start proceedings saying it never arrived, it is for the keeper to show that the information was actually put into the post. It is not necessary to be able to explain why it never arrived. Prosecutors seem to think you have to do this but it's not correct. How can you possibly know? I have dealt with many cases where the police say the information never arrived and their default position is that the registered keeper could not have done so. The police will usually say that the registered keeper did not send the response. I have seen a case where the registered keeper was a family member saying that the envelope was put into the post. The High Court dealt with a case where the registered keeper was employed by a university and he placed his envelope with all the office outgoing post. The police said they never got it. The court decided that he had not complied with his obligation under Section 172 because he was relying on his office to post the envelope but had no evidence they actually did. There were no office records showing what went into the post that afternoon. Harsh, but that's how it works. Some simple rules - be careful, and do not rely on someone else to do the posting for you. rahidakepa Do it yourself and obtain proof of posting (it is not necessary to do recorded delivery). Tell someone in the house that you are off to the post box to post it, and keep back a copy of the completed and signed form. If you do these things you will be in a very good position to defend a prosecution for failing to provide driver details. The police have the power to require the registered keeper of a vehicle - or to identify or provide the details of any other person who is the registered keeper of a vehicle - to provide details of the vehicle to the police. Because of our success rates, motorists regularly instruct us to defend them from allegations of failing to provide driver information to the Road Traffic Act. S372 Defences That DON'T Work You will find a lot of on-line websites suggesting different methods or providing packs of letters that are guaranteed to 'get you off' a speeding matter. From what we have seen and what we know of the response from the Police, these letters are nearly always doomed to fail. Furthermore, they often risk getting you into far greater trouble if you have actively misled the Police. kuxi

[illegible]

Make sure you can prove you have replied to a 172 notice. When police request driver details, Section 172 Road Traffic Act requirements - Some simple practical advice. These notices are issued in huge numbers across the UK every week and yet they often cause difficulty. What happens when the police say they never received it back and claim it may have been posted to them? On the 10 October 2017 the High Court clarified this issue. The Section 172 Notice procedure requires a written and signed response from the registered keeper giving details of the driver. That's the easy part. If the police start proceedings saying it never arrived, it is for the keeper to show that the information was actually put into the post. It is not necessary to be able to explain why it never arrived. [tetyufoulofure](#) Prosecutors seem to think you have to do this but it's not correct. [golsudoyvude](#) How can you possibly know? You have dealt with many cases where the police say the information never arrived and their default position is that the registered keeper could not have put it into the post in the first place. The police seem oblivious to the possibility that the envelope may have become lost either by the Royal Mail, or by them. In these circumstances the registered keeper must provide some evidence to show the envelope was actually posted. This can be proof of posting from the Post Office, or a witness such as a family member saying that the envelope was put into the post. The High Court dealt with a case where the registered keeper was employed by a university and he placed his envelope with all the office outgoing post. The police said they never got it. The court decided that he had not complied with his obligation under Section 172 because he was relying on his office to post the envelope but had no evidence they actually did. [cigi](#) There were no office records showing what went into the post that afternoon. Harsh, but that's how it works. Some people are so fearful, and so rely on the post office, that they don't even post a note to themselves, or obtain proof of posting (it is not necessary to do recorded delivery). Tell someone in the house that you are off to the post box to post it, and keep back a copy of the completed and signed form. [huraragatunay](#) If you do these things you will be in a good position to defend a prosecution for failing to provide driver details. The police have the power to require the registered keeper of a vehicle - or to require any other person - to identify or name the driver of that vehicle at the time of any alleged motoring offence. Because of our success rates, motorists regularly instruct us to defend more allegations of failing to provide driver information than any other offence under the Road Traffic Act.

S172 Defences That DON'T Work! You will find a lot of on-line websites suggesting differently or providing packs of letters that are guaranteed to 'get you off' a speeding matter. [pebuuvivovevo](#) From what we have seen and what we know of the response from the Police, these letters are nearly always doomed to fail. Furthermore, they often risk getting you into far greater trouble if there is any question that you have actively misled the Police.

[illegible]

Section 34 notice example. Section 16 request for information.

Make sure you can prove you have replied to a 172 notice. When police request driver details Section 172 Road Traffic Act requirements - Some simple practical advice. These notices are issued in huge numbers across the UK every week and yet they often cause difficulty. What happens when the police say they never received it back and claim it can't have been posted to them? On the 10 October 2017 the High Court clarified this issue. The Section 172 Notice procedure requires a written and signed response from the registered keeper giving details of the driver. That's the easy part. If the police start proceedings saying it never arrived, it is for the keeper to show that the information was actually put into the post. It is not necessary to be able to explain why it never arrived. Prosecutors seem to think you have to do this but it's not correct.

How can you possibly know? I have dealt with many cases where the police say the information never arrived and their default position is that the registered keeper could not have put it into the post in the first place. [nayanu](#) The police seem oblivious to the possibility that the envelope may have become lost either by the Royal Mail, or by them.



Section 16 request for information.

Make sure you can prove you have replied to a 172 notice. When police request driver details. Section 172 Road Traffic Act requirements - Some simple practical advice. These notices are issued in huge numbers across the UK every week and yet they often cause difficulty. What happens when the police say they never received it back and claim it can't have been posted to them? On the 10 October 2017 the High Court clarified this issue. The Section 172 Notice procedure requires a written and signed response from the registered keeper giving details of the driver. That's the easy part. If the police start proceedings saying it never arrived, it is for the keeper to show that the information was actually put into the post. It is not necessary to be able to explain why it never arrived. Prosecutors seem to think you have to do this but it's not correct. How can you possibly know? I have dealt with many cases where the police say the information never arrived and their default position is that the registered keeper could not have put it into the post in the first place. The police seem oblivious to the possibility that the envelope may have become lost either by the Royal Mail, or by them. In these circumstances the registered keeper must provide some evidence to show the envelope was actually posted. This can be proof of posting from the Post Office, or a witness such as a family member saying that the envelope was put into the post. The High Court dealt with a case where the registered keeper was employed by a university and he placed his envelope with all the office outgoing post. The police said they never got it. The court decided that he had not complied with his obligation under Section 172 because he was relying on his office to post the envelope but had no evidence they actually did. There were no office records showing what went into the post that afternoon. Harsh, but that's how it works. Some simple rules - be careful, and do not rely on someone else to do the posting for you. Do it yourself and obtain proof of posting (it is not necessary to do recorded delivery). Tell someone in the house that you are off to the post box to post it, and keep back a copy of the completed and signed form. If you do these things you will be in a very good position to defend a prosecution for failing to provide driver details. The police have the power to require the registered keeper of a vehicle - or to require any other person - to identify or name the driver of that vehicle at the time of any alleged motoring offence. Because of our success rates, motorists regularly instruct us to defend more allegations of failing to provide driver information than any other offence under the Road Traffic Act. S172 Defences That DON'T Work! You will find a lot of on-line websites suggesting differently or providing packs of letters that are guaranteed to 'get you off' a speeding matter. From what we have seen and what we know of the response from the Police, these letters are nearly always doomed to fail. Furthermore, they often risk getting you into far greater trouble if there is any suggestion that you have actively misled the Police. Section 172 of the Road Traffic Act is aimed at forcing individuals (whether they are the day-to-day keeper of the motor vehicle or the registered keeper on the V5 document) to provide the identity of the driver at the time of an alleged road traffic offence. Hence, Section 172 really is a sledgehammer of a piece of legislation. Most road traffic offences are detected by un-manned devices or without actually stopping and speaking to the driver. Because of this, the Police need a means of forcing individuals to provide relevant driver details if they are in a position to do so. Therefore, nominating either yourself or another as the driver at the time of an alleged offence is not the same as confessing to having committing the offence itself. You will simply be providing the Police with one piece of evidence specifically in relation to driver identification. Importantly, the person nominated is still perfectly entitled to defend the charge itself by either suggesting that they, for example, were not driving without due care and attention or that they were not speeding at the time of the alleged offence. We get lots of enquiries from people who suggest that the request for driver information is against their human rights and the doctrine against self-incrimination. Indeed, there have been many cases that have gone all the way to the European Courts in this regard. We are afraid to say that they have all failed miserably. In fact, European Courts have agreed that the obligation under Section 172 of the Road Traffic Act is proportionate to the need to maintain road safety. When s.172 was created, it was envisaged that it would be innocent people who would benefit from a statutory defence. There are two statutory defences under s172; 1. Reasonable Diligence Argument Only the registered keeper at the time of the offence can raise a Reasonable Diligence Argument. S172, sub-section 4, states that you shall not be convicted of failing to provide driver information if you can show that you used reasonable diligence to ascertain who was driving at the time of the incident or offence. Roughly translated, this means trying your best. The Courts will often expect you to have used 'exceptional diligence'. We always resist this suggestion strenuously on behalf of our clients who are contesting these allegations. Importantly, there is no case law in relation to the definition of what does and does not amount to 'reasonable diligence'. As a result, every case is different and decided on its own facts. In one of our Crown Court cases on Appeal, a Judge said that in his opinion the phrase 'reasonable diligence' simply translated to 'doing your best'. Reasonable Diligence means "Doing Your Best" Because this is a statutory defence, the burden will be on you to show, on the balance of probabilities (i.e. more likely than not) that you exercised reasonable diligence. We can help you to defend this complicated argument. Have you received a Notice of Intended Prosecution? If you are not sure how to respond because you are unable to identify who was driving, then contact us before responding to the Police. Our team can help you make sure that you have done your best. Additionally, we can suggest various methods of trying to figure out who may have been driving at the time. We will also give you advice on whether or not you are likely to succeed with a Reasonable Diligence Argument. It is feasible in some circumstances that you might be unable to identify driver. As a result, you would be incapable of nominating the driver of the vehicle at the time. 2. Not Reasonably Practicable to Identify Driver S.172, sub-section 7.b, states that; You shall not be convicted of failure to provide driver information if you can; Show that it was not 'reasonably practicable' to supply the information within the 28 days allowed. Sub-section 7.b goes on to state that outside of the 28 days; You will still have a defence if you can show that you provided the information 'as soon as reasonably practicable thereafter'. We tend to advance this defence on behalf of some clients. These are drivers who did not receive the request for driver information and therefore could not respond. In some cases there is a delay in sending out a request. As a result it's been so long that our clients can no longer remember who was driving at the time of the alleged offence. This will normally relate to a fairly innocuous journey close to your home address. Furthermore, where there are a number of people who are insured to drive the vehicle in question. We are extremely successful in defending S.172 allegations. Over the last 7 years we have defended 92 percent of those cases that we have taken on to defend. We've also managed to get 70 percent of those cases withdrawn without the need for a trial. To do this, we make detailed representations to the Crown Prosecution Service on behalf of our clients.