

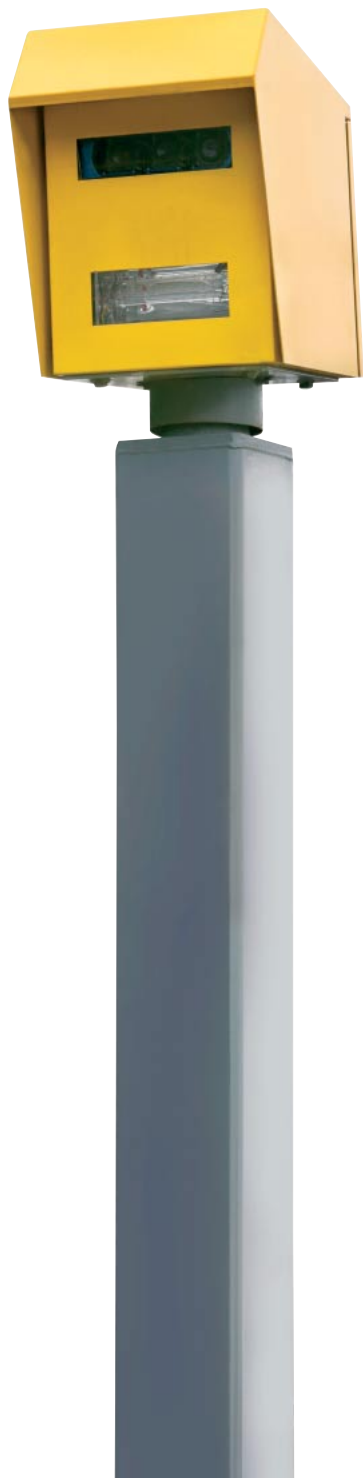
Important information about your summons

Please read

Frequently asked questions



www.safecam.org.uk



Reminder

If you are pleading **not guilty** you must complete the plea form and return it to the court in time for the hearing date on the summons. If you do this you **need not** attend this first hearing. You will be notified of a later date when you will be required to attend.

It is hoped that this leaflet answers the most common questions. It cannot hope to answer everything. If you have any queries please seek your own independent legal advice. Please note that free advice at court under the duty solicitor scheme **will not** usually be available.

I thought I had a Speeding/Red Light offence but I have now received a Summons, which, shows a charge of failing to provide Driver's details under Section 172 of the Road Traffic Act - what does this mean?

Originally you were sent a Notice of Intended Prosecution for either a Speeding or Red Light offence, this normally has an offer of a Fixed Penalty payment or, if you were not the driver, asks you to provide details of who was using the vehicle at the time. If you were not the driver you must give details to the Police of the person using your vehicle at the time. Failing to provide this information in the required format may constitute an offence and you are at risk of being prosecuted by the Police.

This charge will replace the original motoring offence due to the absence of an admission by a driver.

The Summons is the first I have heard of any of the offences, what should I do now?

Return your Summons to the Court and use the Plea and Mitigation page to explain that you have not received any prior notice of the offence, also give the possible reasons why that may have happened.

What if I believe I have already paid the Fixed Penalty for the offence for which I have been summoned to Court?

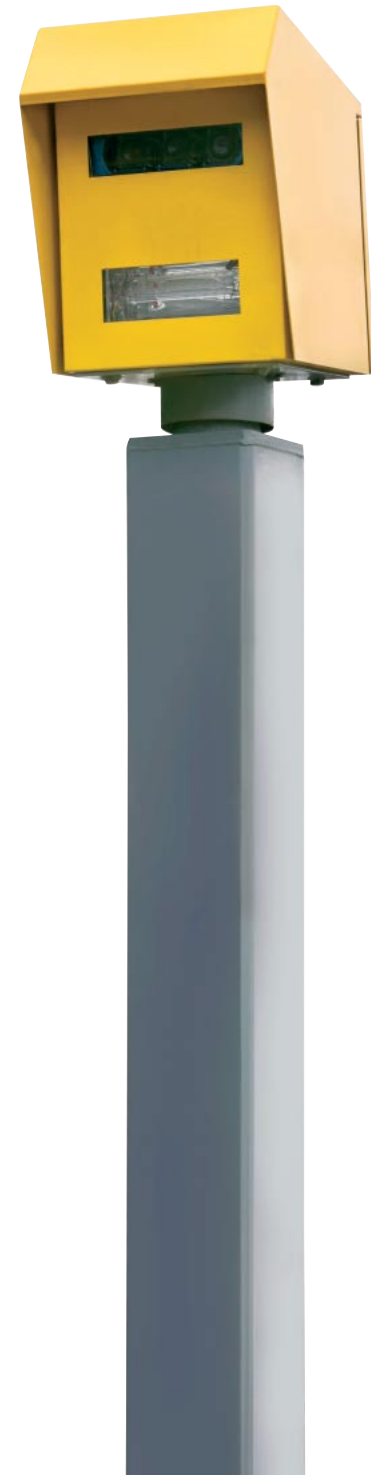
You should contact the Camera Processing Unit on **0117 927 2095** they will check with the Fixed Penalty office and advise you accordingly.

Is there any difference in terms of penalty between the "Failing to Supply" charge and the Speeding / Red Light charge?

Yes. The Speeding, Red Light charge and the 'Fail to Supply' offences carry a maximum fine of £1,00 (except speeding on the motorway which carries a maximum fine of £2,500). The starting point for a Speeding/Red Light fine is generally lower than that for a 'Fail to Supply' offence, but this depends on circumstances eg the excess speed and your means. It is also noteworthy that the penalty points which are endorsed on your licence for speeding can range from 3 to 6, whereas for 'Fail to Supply' and 'Red Light' charge it is 3. However, an endorsement for 'Fail to Supply' may have a greater effect on insurance premiums with some insurers, and may also adversely affect such things as car hiring. Some insurers may actually refuse to insure you. You are advised to make your own enquiries.

My Summons actually shows two offences - 1) The failing to provide driver's details and 2) Exceeding the speed limit or red light charge, am I to be charged with both these offences?

No. These offences are alternative offences, and you are invited to plead to either or both of them. In the event that you plead guilty to one of the offences the alternative will be withdrawn.



I am able to name the driver at the time of the offence but I have the Summons, what should I do?

Return your Summons to the Court and use the Plea & Mitigation page to give the driver's full name and address. You may also use this space to explain why you did not, or were unable to, provide this information previously. This information will be passed to the Camera Processing Unit. However it does not mean that you will no longer be prosecuted as there are strict time limits which have to be complied with.

It was a long journey and the driving was shared, I can't identify the driver at the time the camera was activated - why have I been summonsed and not the other people who also drove the car on the day in question?

In cases such as this the vehicle's Registered Keeper is prosecuted, as they are responsible for the vehicle and are required to provide the Police with the details of anyone using it. In order to be found not guilty the Court has to be satisfied that you did not know and could not with reasonable diligence have ascertained who the driver was.

The vehicle concerned is a company/pool vehicle and is used by numerous drivers. The company has now received a Summons for "Failing to Supply"; why is this and what happens next?

A company is responsible for vehicles under their ownership and it is in their interests to retain a log of company/pool vehicle users so that, in the event of an accident for example, they will be able to produce information regarding the driver on any given day.

It will fall to the company director or secretary (as indicated on the Summons) to explain to the Magistrates why they have failed to provide the information requested. The only acceptable defence to a "Failing to Supply" charge for a company is what is known as "reasonable diligence"; in other words, you have done all that can be reasonably expected to identify the driver and that no record was kept of the persons who drove the vehicle and the failure to keep such records was reasonable.

It's not my car; I wasn't driving. Why have I received a Summons?

It is likely you would have been nominated by the vehicle's owner / keeper as the driver at the time of the offence. Therefore, you would have been sent a Notice of Intended Prosecution. If you failed to respond to that form or, have given an unsatisfactory response, you may be guilty of the offence of "Failing to Supply".

The Court can only act on the information they have so use the Plea and Mitigation page of your Summons to inform the Magistrates why you are disputing the offence.