



Camera Enforcement Unit

PO BOX 3273

Rugby

CV21 2XT

0845 120 8308

camera.enforcement@warwickshire.pnn.police.uk

Date: 26-JUL-2011

Ref No : N075/11/0386

MR JAMES STUART MORRIS
49 CHARLECOTE CLOSE
REDDITCH WORCS
B98 0TQ

If the address shown above is a Limited Company, this form is for the attention of the Company Secretary

Dear Sir/Madam,

I have photographic evidence, from an approved device, that the driver of T561OAC failed to comply with a speed limit at the date and location contained on page 2. **You**, as the registered keeper of the vehicle, have a legal obligation to comply with the provisions of the notice contained on page 2.

GUIDANCE NOTES FOR THE COMPLETION OF PAGE 3

Note: You must complete the original form yourself.

Please do not copy this form or pass it on to the driver if not yourself. If you do not believe any of the categories fit your circumstance contact the above, in writing, for advice.

The form is to be completed in **BLOCK CAPITALS** using **BLUE** or **BLACK INK**, signed and returned.

Correspondence will not normally be entered into. Any perceived mitigating circumstances are matters for the Magistrates Court to consider.

SECTION A

- You must complete either part 1a, 1b, 2 or 3. Do not complete more than one part.
- Your Driver Number is shown on your licence. For example SMITH-416117-JD9AB.
- Please **do not send us either part of your driving licence.**
- If you were the driver and have lost or mislaid your licence then please tick the relevant box and ensure that you apply for a new licence from DVLA immediately.
- If you do not have a British driving licence, please tick the relevant box.

SECTION B

- This section must be completed unless you have selected option 1a.
- Please be aware you may be required at some stage to satisfy Warwickshire Police by means of documentation that your nominated driver was insured to drive the vehicle. Failure to comply could result in a prosecution for no insurance.
- If the vehicle was either hired or leased to another person/company, please enclose a copy of the hire agreement.
- If you have sold or disposed of the vehicle, please provide full details of the person to whom the vehicle was sold (and ensure you include the date of sale/disposal in Section A).
- Please ensure you have informed the DVLA of the disposal. Failure to do so is an offence.

SECTION C

- This section must be completed with the details of the person completing the form.
- **Ensure you sign and date the form. This is a legal requirement.**

PARTICULARS OF THE OFFENCE

Vehicle Registration: T561OAC
Vehicle Make: PEUGEOT(FRANCE) 406 LX

Vehicle Speed: 40 mph

Offence Location: A435 Alcester Road Studley (NW)

Offence: Failing to comply with a 30 m.p.h speed limit.

Contrary to: Section 81(1) and 89 (1) of the Road Traffic Regulation Act 1984 and Schedule 2
of the Road Traffic Offenders Act 1988

Reference Number: N075/11/0386

Date of Offence: 21-Jul-11

Time of Offence: 18:02

Speed Limit: 30

NOTICE OF INTENTION TO PROSECUTE

In compliance with the provisions of Section 1 of the Road Traffic Offenders Act 1988, I hereby give you notice that it is intended to institute proceedings against the driver of the above vehicle for the offence described above.

APPLICATION FOR THE NAME AND ADDRESS OF THE DRIVER

I am authorised by the Chief Constable of Warwickshire, to require you to furnish the full name and address of the driver of the vehicle on the above occasion or to supply any other information, which it is in your power to give and, which would lead to his or her identification.

Under Section 172 of the Road Traffic Act 1988 you are required to supply this information within 28 days of service of this notice. If you are convicted of failing to supply this information the penalty is similar to that for the alleged offence itself - a fine and penalty points.

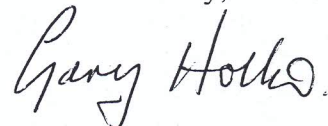
In order to comply with this requirement you should complete the attached form (Page 3) and return it, signed, to the Camera Enforcement Unit at the address below.

Please note that in certain circumstances, where the driver has been identified, it may be decided not to proceed with a prosecution but to offer the alternative of a fixed penalty. You will, if you were the driver, be informed of the decision in your case by receiving either a conditional offer of a fixed penalty or a summons. Cases of failing to nominate the driver can only be proceeded with by way of summons which may lead to a fine of up to £1,000 and 6 penalty points.

Failure to complete the forms correctly will prevent the option of conditional offer of fixed penalty being available.

Warwickshire Police use a combination of education and enforcement to reduce casualties on our roads. Find out more by visiting www.smilecamera.co.uk

Yours faithfully,



Camera Enforcement Manager
Camera Enforcement Unit
PO Box 3273
Rugby
CV21 2XT

WARWICKSHIRE POLICE



Name: MR JAMES STUART MORRIS
Offence Date: 21-Jul-11 Time: 18:02 Reference: N075/11/0386
Vehicle: T561OAC Make: PEUGEOT(FRANCE) 406 LX
Your speed was: 40 mph
Location: A435 Alcester Road Studley (NW)

PLEASE COMPLETE IN BLOCK CAPITALS USING BLUE OR BLACK INK

**YOUR LEGAL RESPONSIBILITY UNDER SECTION 172 OF
THE ROAD TRAFFIC ACT 1988 IS EXPLAINED ON PAGE 2**

SECTION A - PLEASE TICK ONE OF THE NUMBERED BOXES AND FILL IN THE INFORMATION

- 1a ☐ I was the driver at the time of the alleged offence and my name and address on page 1 are both correct. I have provided my driving licence number and date of birth below. I have completed Section C.
- 1b ☐ I was the driver at the time of the alleged offence but my name OR address are not correct. I have provided my correct name and address in Section B. I have provided my drivers licence number and date of birth below. I have completed Section C

Drivers Licence Number

_____/_____/_____
Date of Birth (DD/MM/YYYY)

☐ I do not hold a British driving licence ☐ I have lost / mislaid my driving licence

- 2 ☐ I was not the driver of the vehicle at the time of the alleged offence. The driver / hirer / leasee is the person detailed in Section B

I was not the owner of the vehicle at the time of the alleged offence.

- 3 ☐ The vehicle was sold / disposed to the person detailed in Section B on the following date: _____
Date of Sale / Disposal (DD/MM/YYYY)

SECTION B - DETAILS OF THE DRIVER/HIRER/PURCHASER. (Complete this section unless you chose option 1a above)



Title (Mr/Mrs/Miss etc.)

Forename(s)

Surname / Company Name

_____/_____/_____
Date of Birth (DD/MM/YYYY)

Address

PostCode

Telephone Number of Driver / Hirer / Leasee



SECTION C - YOUR DETAILS. (You must complete this section with the details of the person completing this form)

Title (Mr/Mrs/Miss etc.)

Your Telephone Number

Your Forename(s)

Your Surname / Company Name

_____/_____/_____
Date of Birth (DD/MM/YYYY)

Signed _____
Date (DD/MM/YYYY)

**PLEASE NOTE: IF FOR ANY REASON YOU FAIL TO, OR ARE UNABLE TO PROVIDE FULL AND PRECISE DETAILS
OF THE KEEPER OR DRIVER OF THE VEHICLE WITHOUT GOOD AND GENUINE
REASON, A PROSECUTION WILL BE CONSIDERED AGAINST YOU**

Data Protection Act 1998: Information supplied may be held by Warwickshire Police for policing purposes.



T561OAC
N075/11/0386
C00000000



evidence the speed limit was broken. There is no legal requirement to inform motorists that a speed camera is ahead, make them highly visible, or locate them at sites with a history of crashes.

Q14: I don't think I was exceeding the National Speed Limit, why am I being prosecuted?

A: Certain vehicles such as cars towing trailers or caravans, vans not derived from a car and goods vehicles are subject to lower speed limits than cars or motorcycles on some roads. Drivers must ensure they are aware of the speed limits that apply to the vehicle they are driving. These are set out in the Highway Code.

The Penalty

Q15: How many points can I accumulate before I am banned?

A: A driver who accumulates 12 or more points within a 3 year period faces being disqualified. New drivers who accumulate 6 or more penalty points within the first two years of passing their test will have their licence revoked and will have to reapply for a provisional licence and retake their theory and practical driving test.

Q16: How long will the points stay on my licence?

A: Penalty points are valid for three years, but cannot be removed from your licence until four years have elapsed.

Q17: Can I avoid penalty points by paying a higher penalty?

A: No. The fixed penalty (£60 fine and 3 penalty points) is set by legislation and is not negotiable.

Q18: Can I pay the fine in instalments?

A: No

Q19: I cannot find my driving licence. What should I do?

A: You should immediately apply to the DVLA, Swansea for a replacement licence. This can be done using an application form available from Post Offices or by telephoning DVLA on 0870 240 0009.

Q20: Will penalty points affect my insurance?

A: Most insurance companies require you to inform them of any endorsements you receive. Failing to inform your insurer about new offences could invalidate any claims you may wish to make. Insurance companies may view a

driver who has committed a road traffic offence as a high risk policy holder and consequently increase your annual premium.

Q21: Can I take a Speed Awareness Workshop instead of a fixed penalty?

A: Warwickshire offers certain low end speeders the option of attending a half day workshop instead of accepting a fixed penalty or attending Court. If you qualify to attend the workshop you will be sent the relevant application forms. Drivers can take the course once in three years.

Safety Cameras

Q22: Why do we have safety cameras?

A: More than 3,000 people are killed on Britain's roads every year. Excessive speed increases the risk of collision, and in the case of a crash occurring, increases the severity of injuries sustained. By enforcing speed limits we aim to make our roads safer for all road users.

Q23: Where do you operate cameras?

A: Safety cameras are used at collision hot spots where people have been killed or seriously injured, in road works with temporary speed limits and at sites where there is public concern with the speed of traffic.

Q24: What impact do cameras have?

A: Safety cameras make a significant contribution to road safety in Warwickshire. An average of 84 people were killed or seriously injured on the counties roads every year between 1994 and 1998 at sites now enforced by safety cameras. In 2006 31 people were killed or seriously injured at camera sites. This represents a 63% reduction.

Q25: What happens to the fine money?

A: All fines paid are passed to the Government.

This leaflet is for general information only.
Always consult a solicitor for more specific advice.

www.warwickshire.gov.uk/roadsafety

Tel: 0845 120 8308

(Mon-Thur 0830 to 1300 and 1400 to 1630)
(Fri 0830 to 1300 and 1400 to 1600)

produced by design2print@warwickshire.gov.uk Mar 2011

Safety Camera Enforcement – Frequently Asked Questions

Speed Limits

Type of vehicle	Built up areas	Single Carriageways	Dual Carriageways	Motorways
Cars & Motorcycles (inc. car derived vans up to 2 tonnes max laden weight)	30	60	70	70
Caravans or trailers	30	50	60	60
Buses & coaches (not exceeding 12m length)	30	50	60	70
Goods vehicles (not exceeding 7.5 ton)	30	50	60	70*
Goods vehicles (exceeding 7.5 ton)	30	40	50	60

* If articulated or towing the maximum speed limit is 60mph

Notice of Intended Prosecution

Q1: Why have I received a Notice of Intended Prosecution?

A: Either you are recorded as the registered owner/keeper of a vehicle detected exceeding the legal speed limit or failing to observe a red light, or you have been nominated as the driver/hirer of a vehicle at the time of an offence.

Q2: What happens now?

A: The purpose of the Notice of Intended Prosecution is to identify who was driving a vehicle at the time of an alleged offence.

You have a legal obligation to respond to the Notice within 28 days, either by:

- Stating you were the driver at the time of the offence.
- Nominating a new or previous keeper and providing the person's name and address.
- Nominating another driver and providing the person's full name and address.

If you fail to supply the information you may be prosecuted for failing to comply with Section 172 of the Road Traffic Act. This offence carries a maximum penalty of a £1000 fine and 6 penalty points.

Once identified, most drivers will then be sent a Conditional Offer of Fixed Penalty Notice. This gives you the option to settle the matter without having to go to Court. If you choose this option you will receive a £60 fine and have your driving licence endorsed with three penalty points.

If you have nine or more points on your licence, have been detected at very high speed, or hold a non-DVLA issued licence you will not be able to accept a Conditional Offer of Fixed Penalty. These cases can only be dealt with by the Courts.

The Driver and Vehicle

Q3: I was the driver. What should I do?

A: Complete section A of the form and fill in and sign section C and return it to the Camera Enforcement Unit, PO Box 3273, Rugby, CV21 2XT.

Q4: Someone else was driving, what should I do?

A: As the registered keeper/nominated driver, you have a duty to provide as much information as is required to identify the driver. Please fill in sections A and B of the Notice and return it. A further Notice will be sent to the nominated person to complete. **Nominated drivers should only complete the form if it is their name printed at the top.**

One of my employees was driving?

As a responsible employer you have a duty to identify the driver. Your company car log or records should assist you. Failure to provide this information may result in the company being taken to Court.

The driver is no longer in this country?

Respond to the Notice providing the driver's details. You will also need to provide corroboration, including proof that the person named was insured to drive the vehicle. Enquiries will then continue with that person.

Q5: What if I do not sign the notice?

A: Contrary to reports in the media and on some websites you are required to sign the Notice. This has been confirmed by recent High Court rulings. If you return the Notice unsigned you could be summoned to Court for failing to comply with the Notice.

Q6: I don't believe it was my vehicle. What do I do?

A: Please contact us so that we can check the details of your vehicle against the offending vehicle. If there is a discrepancy appropriate action will be taken and you will be advised accordingly.

Q7: I sold the vehicle before the offence. What do I do?

A: Return the form completed in Part A (with details of the person to whom you sold the vehicle) and complete and sign Part C. If possible send a copy of any correspondence you have received from DVLA regarding the change of ownership.

Q8: Are my human rights infringed if I respond to this Notice?

A: The Human Rights Act does not affect you when returning this paperwork. Primary legislation dictates that you are obliged to provide the information requested.

Q9: My Notice arrived more than 14 days after the alleged offence. Shouldn't I have been notified within 14 days?

A: Under Section 172 of the Road Traffic Act 1988, the Notice must be posted so that there is reasonable expectation the DVLA registered keeper will receive it within 14 days of the offence. Records are kept to prove the date of postage. If you have received a Notice more than 14 days after an offence it is likely to be because you have been nominated as the driver by the registered keeper/owner of the vehicle.

The Offence

Q10: Can I see the photographic evidence?

A: The purpose of the photographic evidence is to record the registration plate, make and model of the vehicle. It is not always possible to identify the driver from the image. This does not absolve you of your responsibility under Section 172 of the Road Traffic Act 1988 to identify the driver.

Under the Disclosure of Evidence Rules you are not entitled to a copy of the photograph at this stage of the Fixed Penalty process. If the matter results in Court proceedings the defendant will be sent a copy of the photographic evidence prior to the Court hearing.

Q11: Is the camera accurate?

A: All enforcement cameras are approved by the Home Office and have been rigorously tested. The cameras are calibrated in accordance with the manufacturers guidelines. Each device has a built in self-diagnostic check to ensure the camera is working.

Q12: Can I appeal against this notice or plead mitigating circumstances?

A: You have the right to challenge the offence or plead mitigating circumstances. You can do this by having your case heard at a Magistrates Court. You will have the opportunity to explain the mitigating circumstances in writing without having to attend Court. Remember, Magistrates can increase the fine and points and you may have to pay Court costs.

Q13: I don't think the offence is valid. I didn't see a camera or any signs, or the camera was not at a collision hot spot.

A: For a speeding conviction to be valid there are only two requirements – appropriate speed limit signage and