



Enabling Guidance

Document title: Issue of Traffic Offence Reports and Vehicle Defect Rectification Scheme

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This enabling guidance is suitable for public disclosure under the Freedom of Information Act 2000

This document sets out principles to help guide decision making and in some parts may be quite prescriptive. However, it is vital that officers and staff have the freedom to innovate, exercise discretion and take risk based decisions centred on the needs of the victim and the merits of each case.

There may be occasions when a member of staff is considered to have acted outside of the content of this document but if they have done so with honesty, integrity and professionalism, to make the best decision for the community we serve, they will be trusted and supported. On the occasions when this is the case, the rationale for it must be properly recorded.

This document should be read in conjunction with the Force Policy Statement.

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Introduction

The Traffic Offence Report affords persons responsible for certain road traffic offences the opportunity of attending an educational course or conditional offer of a fixed penalty that is fixed by law instead of being summoned to appear before a court.

The Traffic Offence Report is the means of submission of the circumstances in order that a decision can be made as the disposal by way of either attendance at an education course, a conditional offer of a fixed penalty or prosecution of the offender. That decision in respect of the disposal will be made by a File Review Officer within the Criminal Justice Department.

The courses will be supplied by an external provider in partnership with Derbyshire Constabulary. The individual needs of all persons attending a course will be considered by the provider when the course is offered.

The offer will be made by the Central Process Unit by letter to an apparent offender. Payment of conditional offer of fixed penalties for offences committed in the Force area will be made to the HMCTS, P.O. Box 10066, Loughborough, Leicestershire LE11 9HB.

Guidance

Offences to which Traffic Offence Reports (TORs) apply

Police Officers may issue Traffic Offence Reports for any offence as described by the Road Traffic Acts.

These offences are non-imprisonable and as described by the Road Traffic Acts. TORs are only suitable for offences of 'Due Care' when there is no collision involved. For instance; Fail to Stop/Report Offences, Due Care where a collision is involved, Dangerous Driving, Disqualified Driving and Drive when licence has been revoked on medical grounds are all offences unsuitable for submission via a TOR. They should be submitted via a NICHE case file and tasking to the Central Process Unit Supervisors.

Procedures

Administration Services Officers will issue books of Traffic Offence Reports to regular members of the force in accordance with local requirements. Further supplies can be obtained from Headquarters Stationery Stores.

Traffic Offence Reports (TORs)

Completion

The issuing officer will complete the report with a biro type pen in clearly written block capitals taking care to complete dates, locations and category of offence etc. Any necessary amendments should be shown clearly and not overwritten or alternatively, the report can be issued from a Mobile Data Device.

Endorsable

The driver's copy of the Traffic Offence Report must **always** be handed to the offender. A driver's name and address must always be entered with details of the driving licence.

Non Endorsable

Whenever possible, a Traffic Offence Report will be handed to the offender and details of their name and address entered. Details of the offender must not be obtained via the Police National Computer or other source. The name and address of an offender must not be shown on the report, unless the driver has supplied details at the time the offence report is issued. If a driver is not seen, the 'name and address of offender' line on the notice should be left blank.

When a Traffic Offence Report has been issued to an offender, the issuing officer should forward the officer's copy to the Central Process Unit before going off duty.

Attaching Notices to Vehicles

Where an offender cannot be traced, the Traffic Offence Report and Notice (Force Form 78) will be attached to the vehicle in such a position that it can be readily seen by a driver when they return.

To avoid complaint, the Form 78 should be attached near the bottom of the windscreen, or, if appropriate, on the glass panel of the driver's door. On no account must a self-adhesive notice be attached to the paintwork or coachwork of a vehicle.

It may constitute an offence for anyone, other than the person liable for the offences referred to in a Notice or the driver or person in charge of the vehicle, to remove or interfere with a Notice affixed to a vehicle and offenders should be reported.

The officer will then scan and e-mail a copy of the Traffic Offence Report containing all evidence to prove the offence and the Form 78, to the Central Process Unit generic e-mail box before going off duty (the originals to be forwarded in the despatch system with a note indicating that the file has previously been e-mailed to the Unit).

It is essential to scan and e-mail in order that Central Process Unit team can arrange for a Notice under Section 172 of the Road Traffic Act 1988 (Form 104) to be served on the registered keeper requesting details of the driver at the time of the offence. For certain offences which carry endorsement of driving licence, this notice must be served within 14 days of offence date, hence the need to scan and e-mail on the day of issue. When a response is received, the Central Process Unit will follow up and other processes required to ensure that the offender is dealt with in the appropriate manner.

Mobile Data Terminal (MDT)

When issuing a notice to an offender, the police officer concerned will make a brief record of the evidential circumstances on their MDT and will also complete the statement on the rear of the officer's copy of the Traffic Offence Report.

Examination of MDTs

When a Sergeant or Supervisor examines a Constable's MDT, entries will be checked relating to Traffic Offence Reports to ensure that the report has been submitted to the Central Process Unit.

Excused Payments

Notice not to be cancelled: Payments Excused

Once a Traffic Offence Report has been issued, it must not be withdrawn or cancelled. Where the alleged offender offers an excuse, the police officer must advise them that the decision as to whether payment can be excused rests with a Senior Officer and any further representations should be in writing to Force Headquarters.

The Prosecutions Manager is authorised to excuse payment in appropriate cases, referring to the Superintendent, Criminal Justice Department, in cases of difficulty.

Payment may be excused if it appears that there are good reasons such as: -

- (a) Vehicles broken down
- (b) Vehicles stolen
- (c) Notices issued contrary to Senior Officer's instructions e.g. vehicle lighting offences on housing estates
- (d) Insufficient evidence
- (e) Traffic signs and lines faulty
- (f) Errors on notice or illegible
- (g) Illness and death
- (h) Visitor from abroad

Processing of Traffic Offence Reports

Responsibility

The Superintendent, Criminal Justice, will be responsible for all administrative work at Force Headquarters in connection with the Traffic Offence Report and all correspondence received on Divisions from persons who have been issued with Traffic Offence Reports will be forwarded to Central Process Unit, Force Headquarters immediately.

Vehicle Defect Rectification Scheme

The Vehicle Defect Rectification Scheme (VDRS) is not an alternative to verbal warnings. It is emphasised that they are alternatives to prosecution. The options open to police officers include: -

- (i) Verbal Warnings
- (ii) VDRS
- (iii) A combination of (i) and (ii)
- (iv) Traffic Offence Report

When dealing with an incident, officers should consider all the circumstances and decide the most appropriate course of action listed above.

If an officer decides to use VDRS the procedure should be as follows: -

- (a) Deal with VDRS offence
- (b) If VDRS not accepted – issue Traffic Offence Report VDRS offences
- (c) If VDRS accepted – issue VDRS form; completed forms returned to and retained by the issuing officer

