STATUTORY INSTRUMENTS

1975 No. 706 (S.119)

CRIMINAL PROCEDURE, SCOTLAND

The Road Traffic (Owner Liability) (Scotland) Regulations 1975

Made - - - -	*22nd April* 1975
Laid before Parliament	*8th May* 1975
Coming into Operation	*In accordance with Regulation* 1

In exercise of the powers conferred on me in sections 1(6), 2(6), 3(2) and (7) and 5(1) of and Schedule 1 to the Road Traffic Act 1974**(a)**, I hereby make the following Regulations:—

1. These Regulations may be cited as the Road Traffic (Owner Liability) (Scotland) Regulations 1975 and shall come into operation on the same date as may be prescribed for the coming into operation of sections 1 to 5 of and Schedule 1 to the Road Traffic Act 1974 (hereinafter referred to as "the Act").

2.—(1) The Interpretation Act 1889**(b)** shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(2) These Regulations shall apply only to Scotland.

3. The forms contained in Schedule 1 to these Regulations or forms to the like effect may be used for the purposes of sections 1 to 4 of the Act.

4. The particulars contained in Schedule 2 to these Regulations are hereby prescribed for the purpose of section 3(7) of the Act (particulars to be contained in hiring agreements).

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
22nd April 1975.

(a) 1974 c. 50.

(b) 1889 c. 63.

Regulation 3

SCHEDULE 1

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1

Form FP1(Sc)

To .....(*name*)

.....
.....
.....} (*address*)

ROAD TRAFFIC ACT 1974: s.1(6)

NOTICE TO OWNER OF VEHICLE

It is an offence to fail without reasonable excuse to comply with this notice [within [14] days of receipt of this notice] [by.....(*date*)] unless the fixed penalty specified below has been paid [before the expiry of that period] [by then].

You are alleged to have been the owner of vehicle, registration mark....., on.....(*date of alleged offence*).

Particulars of alleged offence

The aforementioned vehicle was seen in..... (*particulars of location*) [from.....to.....] [at.....] on.....(*date*) giving reasonable cause for belief that the offence [described below] [indicated by an asterisk in the [following] [enclosed] list] was being or had been committed.

[*Here insert statement of the offence alleged on the fixed penalty notice*]

A fixed penalty notice, number....., was issued giving details of the alleged offence and offering the driver the opportunity of paying a fixed penalty of £ instead of being prosecuted, but the fixed penalty has not been paid within the time stated in that notice.

Payment of Fixed Penalty

The fixed penalty of £ is payable only to the Clerk of the.....(*name of Court*) Court,.....(*address*). If payment is to be made, it should be done [within [14] days of receipt of this notice] [by..... (*date*)] and must be of the exact amount shown above. (Payment in cash should be sent only by registered post.) The person paying the penalty must identify the fixed penalty notice by quoting its number and, if he requests a receipt, should give his name and address.

If the penalty is paid in this way proceedings will not be taken for the offence, and any person's liability to conviction of the offence will thereby be discharged. **Otherwise**—

(a) You must complete the enclosed statutory statement of ownership [form FP2 (Sc)] and return it to me at the address shown on it [within [14] days of receipt of this notice] [by.....(*date*)]. **It is an offence to fail without reasonable excuse to comply with this requirement.**

(b) You may also, if you wish, complete and return with form FP2(Sc) the enclosed statutory statement of facts [form FP3(Sc)] relating to the driver.

....
(*date*) ([*for*] *the chief constable*)

.....
(*police force*)

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Form FP2(Sc)

To .....([*for*] *the chief constable*)
.....
.....} (*address*)

From .....(*name*)

X
.....
.....
.....} (*address*)

ROAD TRAFFIC ACT 1974: s.1(6)

STATUTORY STATEMENT OF OWNERSHIP

A statement on part A or B of this form may be produced in court as evidence to identify the owner of the vehicle in any proceedings for the fixed penalty offence. It is an offence knowingly or recklessly to furnish a false statement.

Part A (this must be completed by the recipient of form FP1(Sc) if he was the owner when the offence specified in the fixed penalty notice is alleged to have been committed. Where appropriate, a vehicle-hire firm may instead complete Part C.)

I was the owner of vehicle, registration mark ....., on.....(date) when the offence specified in fixed penalty notice, number....., is alleged to have been committed.

.....(owner's signature)

.....
(present address if different from X above)

Enter the date on which you are returning this statutory statement of ownership.....

Part B (this must be completed by the recipient of form FP1(Sc) if he was **not** the owner when the offence specified in the fixed penalty notice is alleged to have been committed.)

If you were not the owner of vehicle, registration mark..... on.....(date) when the offence specified in fixed penalty notice, number....., is alleged to have been committed,

(a) did you cease to be the owner before that time?

Insert YES or NO ☐

If the answer is YES, and if the information is in your possession, you are required to complete the following statement:

I disposed of that vehicle before that time to.....(name)

of.....(address)

on.....(date of disposal).

(b) did you become the owner after that time?

Insert YES or NO ☐

If the answer is YES, and if the information is in your possession, you are required to complete the following statement:

I acquired that vehicle after that time from.....(name)

of.....(address)

on.....(date of acquisition).

..... (signature)

.....
(present address if different from X above)

Enter the date on which you are returning this statutory statement of ownership.....

ROAD TRAFFIC ACT 1974: s.3(2)

STATEMENT BY VEHICLE-HIRE FIRM IN LIEU OF STATUTORY STATEMENT OF OWNERSHIP

Part C (this may be completed by a vehicle-hire firm where appropriate.)

On.....(date) when the offence specified in fixed penalty notice, number....., is alleged to have been committed, vehicle, registration mark....., was let to.....(name) of.....(address) under a hiring agreement. A copy of that agreement (eontaining the particulars prescribed in the Road Traffic (Owner Liability) (Scotland) Regulations 1975) and of the statement of liability are enclosed.

..... (signature)

.....(name and address)

.....

.....

.....
(name and present address of firm if different from X above)

Enter the date on which you are returning this statement.....

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Form FP3(Sc)

ROAD TRAFFIC ACT 1974: s.1(6)

STATUTORY STATEMENT OF FACTS

A statement on this form may be produced in court as evidence to identify the driver of the vehicle in any proceedings for the fixed penalty offence. It is an offence knowingly or recklessly to furnish a false statement.

Part A (this may be completed by the owner if he was the driver when the offence specified in the fixed penalty notice is alleged to have been committed.)

I was the driver of vehicle, registration mark..... on.....(date) when the offence specified in fixed penalty notice, number....., is alleged to have been committed.

.....(signature of owner/driver)

.....(date)

Part B (this may be completed by the owner if he was **not** the driver when the offence specified in the fixed penalty notice is alleged to have been committed. It should also be signed by the person stated to be the driver.)

I was not the driver of vehicle, registration mark..... on.....(date) when the offence specified in fixed penalty notice, number....., is alleged to have been committed. The driver of that vehicle at that time was.....(name) of.....(present address).

.....(owner's signature)
.....(date)

..... (signature of driver named above)

.....(date)

4

Form FP4(Sc)

To .....(*name*)
.....
.....
}(*address*)

ROAD TRAFFIC ACT 1974: ss.1(6) and 3(4)

NOTICE TO HIRER OF VEHICLE

It is an offence to fail without reasonable excuse to comply with this notice [within [14] days of receipt of this notice] [by.....(*date*)] unless the fixed penalty specified below has been paid [before the expiry of that period] [by then].

A copy of a hiring agreement and a statement of liability signed by you, acknowledging that, during the currency of the hiring agreement, and for the purposes of sections 1-5 of and Schedule 1 to the Road Traffic Act 1974, you would be liable as the owner in respect of certain offences which might be committed with respect to vehicle, registration mark....., has been received from.....
.....(*name and address of vehicle-hire firm*). The hiring agreement shows that this vehicle was let to you on....., the date of the alleged offence specified below.

Particulars of alleged offence

The aforementioned vehicle was seen in.....
(*particulars of location*) [from.....to.....]
[at.....] on.....(*date*)
giving reasonable cause for belief that the offence [described below] [indicated by an asterisk in the [following] [enclosed] list] was being or had been committed.

[*Here insert statement of the offence alleged on the fixed penalty notice*]

A fixed penalty notice, number....., was issued giving details of the alleged offence and offering the driver the opportunity of paying a fixed penalty of £ instead of being prosecuted, but the fixed penalty has not been paid within the time stated in that notice.

Payment of Fixed Penalty

The fixed penalty of £ is payable only to the Clerk of the .....
(*name of Court*) Court, ...(*address*).
If payment is to be made, it should be done [within [14] days of receipt of this notice] [by.....(*date*)] and must be of the exact amount shown above. (Payment in cash should be sent only by registered post.) The person paying the penalty must identify the fixed penalty notice by quoting its number and, if he requests a receipt, should give his name and address.

If the penalty is paid in this way proceedings will not be taken for the offence, and any person's liability to conviction of the offence will thereby be discharged. **Otherwise**—

(a) You must complete the enclosed statutory statement of hiring [form FP5(Sc)] and return it to me at the address shown on it [within [14] days of receipt of this notice] [by.....(*date*)]. **It is an offence to fail without reasonable excuse to comply with this requirement.**

(b) You may also, if you wish, complete and return with form FP5(Sc) the enclosed statutory statement of facts [form FP6(Sc)] relating to the driver.

.....
(*date*)

.....
([*for*] *the chief constable*)

.....
(*police force*)

5

Form FP5(Sc)

To .....([*for*] *the chief constable*)

.....
.....} (*address*)

From .....(*name*)

X .....
.....} (*address*)

ROAD TRAFFIC ACT 1974: ss.1(6) and 3(4)

STATUTORY STATEMENT OF HIRING

A statement on this form may be produced in court as evidence to identify the hirer of the vehicle in any proceedings for the fixed penalty offence. It is an offence knowingly or recklessly to furnish a false statement.

Part A (this must be completed by the recipient of form FP4(Sc) if he was the hirer when the offence specified in the fixed penalty notice is alleged to have been committed.)

On.....(date) when the offence specified in fixed penalty notice, number....., is alleged to have been committed, vehicle, registration mark....., was let to me under the hiring agreement referred to in the statement of liability signed by me.

..... (hirer's signature)

.....(date)

.....
(present address if different from X above)

Enter the date on which you are returning this statutory statement of hiring.....

Part B (this must be completed by the recipient of form FP4(Sc) if he was **not** the hirer when the offence specified in the fixed penalty notice is alleged to have been committed.)

If vehicle, registration mark....., was not let to you when the offence specified in fixed penalty notice, number....., is alleged to have been committed on.....(date), when did you return the vehicle to the possession of the vehicle-hire firm?

I returned that vehicle on.....(date).

..... (signature)

.....
(present address if different from X above)

Enter the date on which you are returning this statutory statement of hiring.....

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Form FP6(Sc)

ROAD TRAFFIC ACT 1974: ss.1(6) and 3(4)

STATUTORY STATEMENT OF FACTS

A statement on this form may be produced in court as evidence to identify the driver of the vehicle in any proceedings for the fixed penalty offence. It is an offence knowingly or recklessly to furnish a false statement.

Part A (this may be completed by the hirer if he was the driver when the offence specified in the fixed penalty notice is alleged to have been committed.)

I was the driver of vehicle, registration mark....., on..... .....(date) when the offence specified in fixed penalty notice, number....., is alleged to have been committed.

.....(signature of hirer/driver)

.....(date)

Part B (this may be completed by the hirer if he was **not** the driver when the offence specified in the fixed penalty notice is alleged to have been committed. It should also be signed by the person stated to be the driver.)

I was not the driver of vehicle, registration mark....., on .....(date) when the offence specified in fixed penalty notice, number....., is alleged to have been committed. The driver of that vehicle at that time was.....(name) of.....(present address).

.....(hirer's signature)

.....(date)

.....(signature of driver named above)

.....(date)

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Form EC1(Sc)

To .....(*name*)

.....
.....
.....(*address*)

ROAD TRAFFIC ACT 1974: s.2(6)

NOTICE TO OWNER OF VEHICLE

It is an offence to fail without reasonable excuse to comply with this notice [within [14] days of receipt of this notice] [by.....(*date*)**] unless the excess charge specified below has been paid [before the expiry of that period] [by then].**

You are alleged to have been the owner of vehicle, registration mark....., on.....(*date on which the excess charge was incurred*).

Particulars of alleged offence

The aforementioned vehicle was seen in..... (*particulars of location*) at.....(*time*) on.....(*date*) giving reasonable cause for belief that an excess charge had been incurred.

An excess charge notice, number....., was issued informing the driver that an excess charge of had been incurred as above and that it is an offence to fail to pay it within days of the date on which it was incurred, but the excess charge has not been duly paid.

Payment of Excess Charge

The excess charge of is payable only to.....(*title*) at.....(*address*).

If payment is to be made, it should be done [within [14] days of receipt of this notice] [by.....(*date*)].

(*Guidance on the manner of payment may be inserted here*)

If the excess charge is paid in this way proceedings will not be taken for the offence, and any person's liability to conviction of the offence will thereby be discharged. **Otherwise—**

(a) You must complete the enclosed statutory statement of ownership [form EC2(Sc)] and return it to me at the address shown on it [within [14] days of receipt of this notice] [by.....(*date*)]. **It is an offence to fail without reasonable excuse to comply with this requirement.**

(b) You may also, if you wish, complete and return with form EC2(Sc) the enclosed statutory statement of facts [form EC3(Sc)] relating to the driver.

.....
(*date*)

.....
([*for*] *the local authority/the chief constable*)

.....
(*local authority/police force*)

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Form EC2(Sc)

To .....([*for*] *the local authority/ the chief constable*)

.....
.....} (*address*)

From .....(*name*)

X .....
.....} (*address*)

ROAD TRAFFIC ACT 1974: s.2(6)

STATUTORY STATEMENT OF OWNERSHIP

A statement on part A or B of this form may be produced in court as evidence to identify the owner of the vehicle in any proceedings for the excess charge offence. It is an offence knowingly or recklessly to furnish a false statement.

Part A (this must be completed by the recipient of form EC1(Sc) if he was the owner when the vehicle was left in the parking place concerned. Where appropriate, a vehicle-hire firm may instead complete Part C.)

I was the owner of vehicle, registration mark....., on.....
.....(date) when that vehicle was left in the parking place referred to in excess charge notice, number.....

.....(owner's signature)

.....
(present address if different from X above)

Enter the date on which you are returning this statutory statement of ownership.....

Part B (this must be completed by the recipient of form EC1(Sc) if he was **not** the owner when the vehicle was left in the parking place concerned.)

If you were not the owner of vehicle, registration mark.....
on.....(date) when that vehicle was left in the parking place referred to in excess charge notice, number.....,

(a) did you cease to be the owner before that time?

Insert YES or NO ☐

If the answer is YES, and if the information is in your possession, you are required to complete the following statement:

I disposed of that vehicle before that time to.....(name)

of ..... (address)

on.....(date of disposal).

(b) did you become the owner after that time?

Insert YES or NO ☐

If the answer is YES, and if the information is in your possession, you are required to complete the following statement:

I acquired that vehicle after that time from.....(name)

of.....(address)

on.....(date of acquisition).

..... (signature)

.....
(present address if different from X above)

Enter the date on which you are returning this statutory statement of ownership.....

ROAD TRAFFIC ACT 1974: s.3(2)

STATEMENT BY VEHICLE-HIRE FIRM IN LIEU OF
STATUTORY STATEMENT OF OWNERSHIP

Part C (this may be completed by a vehicle-hire firm where appropriate.)

On.....(date) when vehicle, registration mark....., was left in the parking place referred to in excess charge notice, number....., it was let to.....(name) of..... .....(address) under a hiring agreement. A copy of that agreement (containing the particulars prescribed in the Road Traffic (Owner Liability) (Scotland) Regulations 1975) and of the statement of liability are enclosed.

..... (signature)

..... (name and address)

.....

.....

.....
(name and present address of firm
if different from X above)

Enter the date on which you are returning this statement.....

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Form EC3(Sc)

ROAD TRAFFIC ACT 1974: s.2(6)

STATUTORY STATEMENT OF FACTS

A statement on this form may be produced in court as evidence to identify the driver of the vehicle in any proceedings for the excess charge offence. It is an offence knowingly or recklessly to furnish a false statement.

Part A (this may be completed by the owner if he was the driver when the vehicle was left in the parking place concerned.)

I was the driver of vehicle, registration mark....., on .....(date) when that vehicle was left in the parking place referred to in excess charge notice, number.....

.....(signature of owner/driver)

.....(date)

Part B (this may be completed by the owner if he was **not** the driver when the vehicle was left in the parking place concerned. It should also be signed by the person stated to be the driver.)

I was not the driver of vehicle, registration mark..... on.....(date) when that vehicle was left in the parking place referred to in excess charge notice, number..... The driver of that vehicle at that time was.....(name) of.....(present address).

.....(owner's signature)

.....(date)

.....(signature of driver named above)

.....(date)

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Form EC4(Sc)

To .....(*name*)

.....
.....
.....} (*address*)

ROAD TRAFFIC ACT 1974: ss.2(6) and 3(4)

NOTICE TO HIRER OF VEHICLE

It is an offence to fail without reasonable excuse to comply with this notice [within [14] days of receipt of this notice] [by.....(*date*)] unless the excess charge specified below has been paid [before the expiry of that period] [by then].

A copy of a hiring agreement and a statement of liability signed by you, acknowledging that, during the currency of the hiring agreement, and for the purposes of sections 1-5 of and Schedule 1 to the Road Traffic Act 1974, you would be liable as the owner in respect of any excess charge which might be incurred with respect to vehicle, registration mark....., has been received from..... .....(*name and address of vehicle-hire firm*). The hiring agreement shows that this vehicle was let to you on....., the date on which the excess charge was incurred as specified below.

Particulars of alleged offence

The aforementioned vehicle was seen in..... (*particulars of location*) at.....(*time*) on.....(*date*) giving reasonable cause for belief that an excess charge had been incurred.

An excess charge notice, number....., was issued informing the driver than an excess charge of had been incurred as above and that it is an offence to fail to pay it within days of the date on which it was incurred, but the excess charge has not been duly paid.

Payment of Excess Charge

The excess charge of is payable only to.....(*title*) at.....(*address*).

If payment is to be made, it should be done [within [14] days of receipt of this notice] [by.....(*date*)].
(*Guidance on the manner of payment may be inserted here*)

If the excess charge is paid in this way proceedings will not be taken for the offence, and any person's liability to conviction of the offence will thereby be discharged. **Otherwise—**

(a) You must complete the enclosed statutory statement of hiring [form EC5 (Sc)] and return it to me at the address shown on it [within [14] days of receipt of this notice] [by.....(*date*)]. **It is an offence to fail without reasonable excuse to comply with this requirement.**

(b) You may also, if you wish, complete and return with form EC5(Sc) the enclosed statutory statement of facts [form EC6(Sc)] relating to the driver.

....
(*date*) ([*for*] *the local authority/the chief constable*)

.....
(*local authority/police force*)

11

Form EC5(Sc)

To .....([*for*] *the local authority/ the chief constable*)

.....
.....
.....} (*address*)

From .....(*name*)

X .....
.....
.....} (*address*)

ROAD TRAFFIC ACT 1974: ss.2(6) and 3(4)

STATUTORY STATEMENT OF HIRING

A statement on this form may be produced in court as evidence to identify the hirer of the vehicle in any proceedings for the excess charge offence. It is an offence knowingly or recklessly to furnish a false statement.

Part A (this must be completed by the recipient of form EC4(Sc) if he was the hirer when the vehicle was left in the parking place concerned.)

On.....(date) when vehicle, registration mark....., was left in the parking place referred to in excess charge notice, number....., that vehicle was let to me under the hiring agreement referred to in the statement of liability signed by me.

..... (hirer's signature)

.....(date)

.....
(present address if different from X above)

Enter the date on which you are returning this statutory statement of hiring.....

Part B (this must be completed by the recipient of form EC4(Sc) if he was **not** the hirer when the vehicle was left in the parking place concerned.)

If vehicle, registration mark....., was not let to you when it was left in the parking place referred to in excess charge notice, number....., on.....(date), when did you return the vehicle to the possession of the vehicle-hire firm?

I returned that vehicle on .....(date).

..... (signature)

.....
(present address if different from X above)

Enter the date on which you are returning this statutory statement of hiring.....

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Form EC6(Sc)

ROAD TRAFFIC ACT 1974: ss.2(6) and 3(4)

STATUTORY STATEMENT OF FACTS

A statement on this form may be produced in court as evidence to identify the driver of the vehicle in any proceedings for the excess charge offence. It is an offence knowingly or recklessly to furnish a false statement.

Part A (this may be completed by the hirer if he was the driver when the vehicle was left in the parking place concerned.)

I was the driver of vehicle, registration mark....., on.....(date) when that vehicle was left in the parking place referred to in excess charge notice, number.....

.....(signature of hirer/driver)

.....(date)

Part B (this may be completed by the hirer if he was **not** the driver when the vehicle was left in the parking place concerned. It should also be signed by the person stated to be the driver.)

I was not the driver of vehicle, registration mark....., when that vehicle was left in the parking place referred to in excess charge notice, number....., on.....(date). The driver of that vehicle at that time was.....(name) of.....(present address).

.....(hirer's signature)

.....(date)

..... (signature of driver named above)

.....(date)

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Form H(Sc)

ROAD TRAFFIC ACT 1974: ss.1-5 and Sch. 1

STATEMENT OF LIABILITY

I hereby acknowledge that during the currency of [the hiring agreement above] [my hiring agreement with.....
(name and address of firm) for the period.....], and for the purposes of sections 1-5 of and Schedule 1 to the Road Traffic Act 1974, I shall be liable as the owner of vehicle, registration mark....., in respect of—

(a) any of the following offences which may be committed with respect to that vehicle when it is stationary and when a fixed penalty notice is issued: being on a road during the hours of darkness without the lights or reflectors required by law; waiting, or being left or parked, or being loaded or unloaded, in a road; being used or kept on a public road without the vehicle licence being exhibited on the vehicle in the prescribed manner; and the non-payment of the charge made at a street parking place; and

(b) any excess charge which may be incurred in pursuance of an order under sections 35 and 36 of the Road Traffic Regulation Act 1967 (provision on highways of parking places where charges are made).

[I also acknowledge that this liability shall extend to any other vehicle let to me under the same hiring agreement and to any period by which the original period of hiring may be extended.]

.....(signature)

....(full name in block capitals)
(date)

Regulation 4

SCHEDULE 2

PARTICULARS REQUIRED IN A HIRING AGREEMENT TO COMPLY WITH SECTION 3 OF THE ROAD TRAFFIC ACT 1974

A. Particulars of person signing statement of liability

1. Full name.
2. Date of birth.
3. Permanent address.
4. Address at time of hiring (if different from 3 above).
5. Details of driving licence:
   (a) serial number or driver's number,
   (b) issuing authority,
   (c) date of expiry.

B. Particulars of hiring arrangements

1. Registration mark } of vehicle hired under the hiring agreement.
2. Make }
3. Registration mark } of any other vehicle substituted for the above during the currency of the hiring agreement.
4. Make }
5. Time and date of any change of vehicle.
6. Time and date of commencement of original hiring period.
7. Time and date of expiry of original hiring period.
8. Time and date of commencement of authorised extension of hiring period.
9. Time and date of expiry of authorised extension of hiring period.

EXPLANATORY NOTE

(This Note is not part of these Regulations.)

Schedule 1 to these Regulations prescribes forms for use in Scotland in connection with sections 1 to 5 of and Schedule 1 to the Road Traffic Act 1974 (c. 50) (liability of vehicle owners). Schedule 2 prescribes the particulars which must be contained in vehicle hiring agreements in order to attract provisions of section 3 of the Act (provisions relating to hired vehicles).

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