



By the end of this presentation students will know:

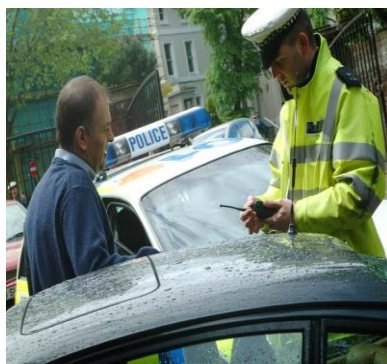
1. Explain the purpose of a Notice of Intended Prosecution (N.I.P.)
2. Explain the police powers and obligations in respect of the Notice of Intended Prosecution (N.I.P.)
3. State the wording to be used when giving a Notice of Intended Prosecution (N.I.P.)

Purpose of a Notice of Intended Prosecution (N.I.P.)

To ensure the driver or rider is aware an offence has been committed

To ensure he or she is aware they may be prosecuted for that offence(s)

To allow driver or rider time to prepare any defence



QTS – Do you know what a Notice of Intended Prosecution is? Why do you think we may use them?

You probably have at sometime experienced difficulty in recalling the exact circumstances of something that happened to you perhaps two three months previously. This is more so if the event seemed minor or unimportant at the time. The same is true of some traffic offences, for example the time when you drove at 40 mph in a 30 mph limit, at the time it probably did not seem very important. But what if two months later you suddenly found you were to be prosecuted for the offence of exceeding the speed limit.

The purpose of the NIP is threefold:

- to ensure that the driver or rider is aware that they have committed an offence or offences and exactly what the offence is
- to ensure that he or she is fully aware that there is a strong possibility that they will be prosecuted for that offence, and
- therefore to allow the driver or rider time to consider and prepare their defence to the alleged offence.



QTS – what offences do you think require a NIP?

Schedule 1 of the Road Traffic Offenders Act 1988 provides a list of offences for which a Notice of Intended Prosecution (NIP) is required:

- D**angerous, careless or inconsiderate driving or cycling
- E**xceeding the speed limit
- F**ailing to conform to a direction given by a Constable engaged in the regulation of traffic
- F**ailing to conform to certain traffic signs**
- L**eaving a vehicle in a dangerous position
- A**iding and abetting any of these offences

**The traffic signs concerned are:

double white line markings;

- yellow hashed box which vehicle must not enter unless exit clear;
- red (not amber) traffic light signal for stop and attached green direction arrows;
- red (not amber) traffic light signal at roadworks
- white star shape on dark background for the control of trams;
- red hexagram shaped stop sign (including manually operated ones at roadworks);
- flashing red stop motorway lights;
- flashing red stop at automatic crossing (railway/tram);
- circular red with white bar across for no entry;
- triangular give way sign (including when placed at open unguarded rail/tram crossing);
- circular blue with white arrow directional sign;
- circular blue with white arrow keep left/right;
- circular blue with 3 white arrows mini-roundabout and also its white painted markings on road surface;
- circular blue with white bus/cycle on it for bus/cycle route;
- circular blue with white tram on it for tramcar route;
- circular white with red edge for height restriction;
- circular white with red edge for gross weight restriction;

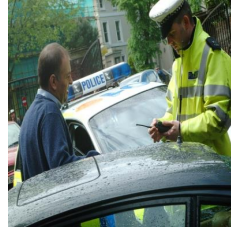
- rectangular sign for weak bridge;
- rectangular blue/white sign for permission for abnormal/slow vehicle to proceed across automatic railway/tram crossing

Service of a Notice of Intended Prosecution (N.I.P.)

Verbally on the offender at the time of the offence

Serving a written notice on the driver or registered keeper of the vehicle within 14 days of the offence

Serving a summons on the offender within 14 days of the offence



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The NIP can be served in three ways:

- **Verbally on the offender at the time of the offence.**

Where a verbal notice is served, you must be able to show that the offender actually heard and understood the NIP. If there is any doubt then a written notice should be sent.

- **Serving a written notice on the driver or the registered keeper of the vehicle within 14 days of the offence.**

'at the time' – the test is one of reasonableness. It is for the defendant to show that the time lapse between the offence and the warning was unreasonable/unjustified (R v Okike 1978) . The 14 days **DOES NOT** include the day on which the offence occurred.

- **Serving a summons or charging the offender within 14 days of the offence.**

If it can be shown to the satisfaction of the court that the name and address of neither the offender or registered keeper of the vehicle cannot be ascertained with reasonable diligence, in time for the notice or summons to be served within the 14days, a prosecution can proceed.

Similarly if the offender's own conduct makes it impossible for the notice or summons to be served.

Notice of Intended Prosecution (N.I.P.)

“You will be reported for consideration of the question of prosecuting you for
(specify offence)”



The NIP is a warning Formula and whilst there is no prescribed wording for such a warning, the following is suggested

“You will be reported for consideration of the question of prosecuting you for...(specify offence)”

The actual offence or offences for which the driver or rider is being reported for and for which they may be prosecuted must be included in the warning.

A N.I.P. is not required if

At time of, or immediately after the offence has been committed, an accident occurs (of which the driver is aware) owing to the presence on the road of the vehicle in respect of which the offence was committed

The offence has been dealt with by issuing a Traffic Offence Report (TOR).



There are two specific sets of circumstances in which it is not necessary to serve a NIP.

- Where a road traffic collision (RTC) occurs either at the time or immediately after the offence has been committed and the RTC is as a result of the presence on the road of the vehicle committing the offence. For example, a motor car drives through a red traffic light and collides with another vehicle passing through a green signal. Here the offence is failing to comply to the red light and immediately after the offence the RTC has happened as a result of the offending vehicle being on the road. There is no doubt in these circumstances that the driver was aware the RTC had occurred, therefore there would be no requirement to serve an NIP. However, had the offending vehicle been an HGV and it only lightly glanced the other vehicle the driver of the HGV may not be aware that an RTC had occurred. In these circumstances a NIP must be served.
- If it is decided to issue a Traffic Offence Report (TOR) in respect of the offence, then there is no requirement to serve a NIP as well. If we deal with a motorist at the time of the offence, we will issue a TOR and inform them that they will be reported for the consideration of the question of prosecuting you for the offence. The motorist will be given the copy of the TOR which informs them of all the information we are required to give under NIP law.
- If we do not deal with the motorist at the time. Eg, we receive a complaint from a member of the public. We should complete a TOR request ASAP to ensure that we comply with the 14 day rule. We can then complete our investigation without worrying about serving the NIP in time. The NIP can always be cancelled at a later date if evidence dictates.

