



Home Office

**Crime Reduction and Community Safety Group
Public Order Unit**

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DCC Adam Briggs
Chair, ACPO Road Policing
Enforcement Technology Committee
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2 February 2009

I am writing to you in your capacity as Chair of the ACPO Road Policing Enforcement Technology Committee. Copies go to Trevor Hall, Secretary to the Committee, and to Chief Constable Mick Giannasi, ACPO roads policing portfolio holder. My purpose in writing is to clarify the position with regard to the type approval of traffic law enforcement devices and the consequent admissibility in court of evidence from such devices

Section 20(1) of the Road Traffic Offenders Act 1988 (the 'RTOA') as amended provides that a record produced by a prescribed device, together with an appropriately signed certificate as to the circumstances in which the record was produced, is admissible as evidence in court proceedings for certain specified road traffic offences. Under s20(4) of the RTOA, a prescribed device must be of a type approved by the Secretary of State and any conditions subject to which the approval was given must be satisfied. The granting of type approval and the setting of any conditions are matters for the Secretary of State to decide in each particular case.

As regards conditions, the Secretary of State may, under s20(5) RTOA, impose conditions as to the purposes for which, and the manner and other circumstances in which the specific type approved device is to be used. **For the avoidance of doubt, the Secretary of State wishes to make it clear that in respect of any type approved device the only such conditions are any that might be contained in the type approval order, in the agreement between the Home Office and device manufacturer or manufacturer's agent and in any schedule to that agreement**

From time to time, the Home Office Scientific Development Branch (formerly Police Scientific Development Branch), the Association of Chief Police Officers and the Crown Prosecution Service issue guidance documents relating to type approval issues. These documents are for the information of manufacturers, police and CPS prosecutors respectively. Nothing said in these documents constitutes or has ever constituted a

condition of type approval nor has it ever had any bearing on a device's type approved status.

We are aware, in particular, of claims based on statements in such documents that annual calibration is a condition of type approval. It is not. No type approval order sets such a condition, nor indeed is such a requirement imposed in any agreement between the Home Office and device manufacturer or manufacturer's agent, including any schedule to such an agreement. The accuracy and reliability of speed meters are guaranteed by the secondary check or by the supportive opinion of a constable and the device's self-test facility. Regular calibration, typically at intervals of about a year, is desirable to provide reassurance as to a device's operation and we do expect it to be undertaken for that reason. We are quite clear however that this expectation does not make annual calibration a condition of type approval. Provided that the actual conditions, as referred to in the second and third paragraphs of this letter, are satisfied, the evidence from the device may therefore be given with confidence whether or not it has been calibrated within the last 12 months.

Please feel free to make such use of this letter as you consider appropriate. I am placing a copy on the HO website

G C BIDDULPH

Head, Road Crime Section.