

GUIDES • WHAT TO DO NEXT

Notice of Intended Prosecution: what to do next

If you have received a Notice of Intended Prosecution, do not ignore it. In most cases, you must reply within 28 days and tell the police who was driving. This guide explains what the notice means, what you should check, and what may happen next.

Quick answer

- ✓ Check the name, vehicle details, date, time and location on the notice.
- ✓ Reply within 28 days, even if you think the notice is late or wrong.
- ✓ If you know who was driving, give their details.
- ✓ If you do not know who was driving, explain that and set out what you have done to try to find out.
- ✓ Do not ask someone else to take the points for you. That is a serious criminal offence.

[Get a free assessment of your notice](#)

What is a Notice of Intended Prosecution?

A Notice of Intended Prosecution (NIP) tells you that the police are considering prosecuting a driver for a motoring offence. It is not a conviction. It is the start of a process.

The notice is often sent with a requirement to identify the driver (a Section 172 notice). A NIP and s172 notice are normally sent within 14 days of the offence, and the s172 notice must normally be returned within 28 days.

If you think the notice was served late, you should still reply. A late NIP may affect the original allegation, but failing to respond to the request for driver details can lead to a separate prosecution.

What should I do first?

- ✓ **Check the name on the notice.** If it is your name, you must deal with it. If it is someone else's name, pass it to them straight away.
- ✓ **Check the vehicle details.** If you do not recognise the vehicle, say so in your reply.
- ✓ **Check the date, time and location.** Work out who was driving at that time.
- ✓ **Reply before the deadline.** If posting your response, allow enough time for delivery. Do not leave it until the last day.

What if I do not know who was driving?

If you genuinely do not know who was driving, say so clearly. You should also explain what you have done to try to find out. For example, you might check diaries, work records, phone location history, fuel receipts, CCTV, dashcam footage or speak to anyone who may have used the vehicle.

A business must still respond, even if it does not immediately know which employee was driving. Keep a record of the checks carried out.

Can I ask for a photograph?

Yes. You can ask the police for a photograph to help identify the driver. However, they do not have to provide one at this stage, and asking for a photograph does not extend the 28-day deadline. You must still reply on time.

What happens if I do not reply?

Failing to provide driver details is a criminal offence. It can lead to 6 penalty points and a fine of up to £1,000. The police may also still prosecute the original offence, so ignoring the notice can make the situation worse.

Can someone else take the points for me?

No. Naming someone else as the driver when that is not true is a serious criminal offence — perverting the course of justice. It can result in imprisonment for both people involved, and you may still face the original motoring offence.

What happens after I reply?

What happens next depends on the offence, the circumstances and your driving record. For lower-level speeding or red-light cases, you may receive a Fixed Penalty Notice. For speeding, the usual minimum penalty is a £100 fine and 3 penalty points, although a speed awareness course may be offered in suitable cases.

[Read my guide to Fixed Penalty Notices →](#)

You may be offered a speed awareness course. If you complete the course, you usually avoid penalty points for that offence. Courses are offered at the discretion of the police and are not available in every case. You pay the cost of the course, which is normally about the same as the usual minimum fine.

What if I receive a Single Justice Procedure Notice?

For more serious cases, or if a Fixed Penalty Notice is not accepted, you may receive a Single Justice Procedure Notice (SJPN). This is usually dealt with in writing, either online or by post. You do not normally attend court.

[Read my guide to Single Justice Procedure Notices →](#)

What if I receive a court summons?

A court summons is usually used for more serious offences, or where you may face disqualification. If you are required to attend court, you should take the hearing seriously and prepare carefully. Seek legal advice early.

[Read my guide to court summonses →](#)

Disclaimer: This guide is for general information only and does not provide legal advice. Every case depends on its own facts, evidence and deadlines. You should not rely on this guide as a substitute for advice on your specific circumstances.

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THE FOUR STAGES

What to do when you receive a...

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NIP

Notice of Intended
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2

FPN

Fixed Penalty Notice

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SJPN

Single Justice Procedure
Notice

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Summons

Court Summons