



Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Promotion of road safety

38 The Highway Code.

- (1) The Highway Code shall continue to have effect, subject however to revision in accordance with the following provisions of this section.
- (2) Subject to the following provisions of this section, the Secretary of State may from time to time revise the Highway Code by revoking, varying, amending or adding to the provisions of the Code in such manner as he thinks fit.
- (3) Where the Secretary of State proposes to revise the Highway Code by making any alterations in the provisions of the Code (other than alterations merely consequential on the passing, amendment or repeal of any statutory provision) he must lay the proposed alterations before both Houses of Parliament and must not make the proposed revision until after the end of a period of forty days beginning with the day on which the alterations were so laid.
- (4) If within the period mentioned in subsection (3) above either House resolves that the proposed alterations be not made, the Secretary of State must not make the proposed revision (but without prejudice to the laying before Parliament of further proposals for alteration in accordance with that subsection).
- (5) Before revising the Highway Code by making any alterations in its provisions which are required by subsection (3) above to be laid before Parliament, the Secretary of State must consult with such representative organisations as he thinks fit.
- (6) The Secretary of State must cause the Highway Code to be printed and may cause copies of it to be sold to the public at such price as he may determine.

Changes to legislation: Road Traffic Act 1988, Cross Heading: Promotion of road safety is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (7) A failure on the part of a person to observe a provision of the Highway Code shall not of itself render that person liable to criminal proceedings of any kind but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under the Traffic Acts, the ^{M1}Public Passenger Vehicles Act 1981 or sections 18 to 23 of the ^{M2}Transport Act 1985) be relied upon by any party to the proceedings as tending to establish or negative any liability which is in question in those proceedings.
- (8) In this section “the Highway Code” means the code comprising directions for the guidance of persons using roads issued under section 45 of the ^{M3}Road Traffic Act 1930, as from time to time revised under this section or under any previous enactment.
- (9) For the purposes of subsection (3) above—
- (a) “statutory provision” means a provision contained in an Act or in subordinate legislation within the meaning of the ^{M4}Interpretation Act 1978 (and the reference to the passing or repeal of any such provision accordingly includes the making or revocation of any such provision),
 - (b) where the proposed alterations are laid before each House of Parliament on different days, the later day shall be taken to be the day on which they were laid before both Houses, and
 - (c) in reckoning any period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Marginal Citations

- M1** 1981 c. 14.
M2 1985 c. 67.
M3 1930 c. 43.
M4 1978 c. 30.

39 Powers of Secretary of State and local authorities as to giving road safety information and training.

- (1) The Secretary of State may, with the approval of the Treasury, provide for promoting road safety by disseminating information or advice relating to the use of roads.

[^{F1}(2) Each relevant authority—

- (a) if it is a local authority, must prepare and carry out a programme of measures designed to promote road safety, or
- (b) if it is Transport for London, may prepare and carry out such a programme, and may contribute towards the cost of measures for promoting road safety taken by other authorities or bodies.]

(3) [^{F2}Each relevant authority—]

- (a) must carry out studies into accidents arising out of the use of vehicles
 - [^{F3}(i) if it is a local authority,] on roads or parts of roads, other than [^{F4}GLA roads or][^{F5}roads for which the Secretary of state is highway authority (in Scotland, roads authority)] within their area [^{F6}or
 - (ii) if it is Transport for London, on GLA roads or parts of GLA roads,]

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- (b) must, in the light of those studies, take such measures as appear to the authority to be appropriate to prevent such accidents, including the dissemination of information and advice relating to the use of roads, the giving of practical training to road users or any class or description of road users, the construction, improvement, maintenance or repair of [^{F7}roads for the maintenance of which they are responsible] and other measures taken in the exercise of their powers for controlling, protecting or assisting the movement of traffic on roads, and
- (c) in constructing new roads, must take such measures as appear to the authority to be appropriate to reduce the possibilities of such accidents when the roads come into use.

[(3A) The duties imposed by subsection (3) above are without prejudice to the generality of subsection (2) above and—

- (a) in the case of a local authority, are to be discharged in pursuance of their duty under subsection (2)(a) above; and
- (b) in the case of Transport for London, are to be discharged by exercising their powers under subsection (2)(b) above.]

(4) In this section

[^{F8}“GLA road” has the same meaning as in the ^{M5}Highways Act 1980 (see sections 329(1) and 14D(1) of that Act);]

“local authority” means—

- (a) in relation to England and Wales, the council of a county, metropolitan district or London borough or the Common Council of the City of London,
- (b) in relation to Scotland, a [^{F9}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

[^{F10}“relevant authority” means a local authority or Transport for London;].

Textual Amendments

- F1** S. 39(2) substituted (3.7.2000) 1999 c. 29, s. 279(2), (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**
- F2** Words in s. 39(3) substituted (3.7.2000) by 1999 c. 29, s. 279(3) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**
- F3** Words in s. 39(3)(a) renumbered as s. 39(3)(a)(i) (3.7.2000) by 1999 c. 29, s. 279(4)(a) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**
- F4** Words in s. 39(3)(a) inserted (3.7.2000) by 1999 c. 29, s. 279(4)(b) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**
- F5** Words in s. 39(3)(a) substituted (1.11.1991) by New Roads and Streets Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 Pt. IV para. 121(3)(a)** (with s. 25(2)); S.I. 1991/2286, art. 2(2), **Sch. 2** (for Scotland); S.I. 1991/2288, art. 3, **Sch.** (for E.W.)
- F6** S. 39(3)(ii) and word added (3.7.2000) by 1999 c. 29, s. 279(4)(c) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**
- F7** Words in s. 39(3)(b) substituted (1.11.1991) by New Roads and Streets Works Act 1991 (c. 22, SIF 107:1), s. 168(1), **Sch. 8 para. 121** (3)(b) (with s. 25(2)); S.I. 1991/2286, art. 2(2), **Sch. 2** (for Scotland); S.I. 1991/2288, art. 3, **Sch.** (for E.W.)
- F8** Definition of “GLA roads” in s. 39(4) inserted (3.7.2000) by 1999 c. 29, s. 279(6), (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**
- F9** Words in s. 39(4)(b) substituted (S.) (1.4.1996) by 1994 C. 39, s. 180(1), Sch. 13 para. 159(4); S.I. 1996/323, **art. 4(1)(b)(c)**

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F10 Definition of “relevant authority” in s. 39(4) inserted (3.7.2000) by 1999 c. 29, s. 279(6), (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**

Modifications etc. (not altering text)

- C2** S. 39: transfer of functions (1.7.1999) by 1998 c. 46, ss. 53, 56(1)(i) (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**
- C3** S. 39 modified (E.W.) (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **17**
- C4** S. 39(1): functions exercisable by the Assembly are to run concurrently with the Secretary of state (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 2(1)**
- C5** S. 39(1): functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))
- C6** S. 39(2)(3): functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **10**
- C7** S. 39(2)(3): functions made exercisable concurrently (8.5.2017) by The West Midlands Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/510), arts. 1(2), **5**
- C8** S. 39(2)(3): functions made exercisable concurrently (8.5.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(3), **16**

Marginal Citations

M5 1980 c. 66.

[^{F11}40 Road safety grants **E+W**

- (1) A national transport authority may make payments to any local authority or any other authority or body for meeting the whole or part of the capital or running costs of any measures for promoting road safety.
- (2) A “national transport authority” means—
 - (a) the Secretary of State acting with the approval of the Treasury, or
 - (b) the National Assembly for Wales.]

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F11 S. 40 substituted (E.W.) (8.1.2007) by Road Safety Act 2006 (c. 49), ss. 1, 61(7)(a)

Modifications etc. (not altering text)

- C9** S. 40: transfer of functions (1.7.1999) by 1998 c. 46, ss. 53, 56(1)(i) (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**
S. 40 modified (1.7.1999) by S.I. 1999/672, arts. 1, 2, **Sch. 1**
- C10** S. 40: functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

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40 Powers of Secretary of State to subsidise bodies other than local authorities for giving road safety information and training. **S**

The Secretary of State may, with the approval of the Treasury, make out of monies provided by Parliament contributions towards the cost of measures for promoting road safety, being measures taken by ^{F12}. . . local authorities (within the meaning of section 39 of this Act) [^{F13}or by other authorities or bodies].

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F12** Words in s. 40 repealed (S.) (1.4.2001) by 2001 asp 2, s. 76(a) (with s. 66); S.S.I. 2001/132, art. 2, Sch. Pt. 1
- F13** Words in s. 40 inserted (S.) (1.4.2001) by 2001 asp 2, s. 76(b) (with s. 66); S.S.I. 2001/132, art. 2, Sch. Pt. 1

Modifications etc. (not altering text)

- C9** S. 40: transfer of functions (1.7.1999) by 1998 c. 46, ss. 53, 56(1)(i) (with s. 126(3)-(11)); S.I. 1998/3178, art. 2(1)
S. 40 modified (1.7.1999) by S.I. 1999/672, arts. 1, 2, Sch. 1
- C10** S. 40: functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), Sch. 4 para. 1 (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A inserted by [2000 c. 37 Sch. 7 para. 6](#) (This amendment not applied to [legislation.gov.uk](#). The amending provision has been repealed)
- s. 41(2)(m) inserted by [2006 c. 49 s. 18\(1\)\(a\)](#)
- s. 41(2)(ba) inserted by [2006 c. 49 s. 56\(3\)](#)
- s. 49(3A) inserted by [2006 c. 49 s. 48\(1\)](#)
- s. 66(7A) inserted by [2006 c. 49 s. 56\(5\)](#)
- s. 85(1) words omitted (temp.) by [S.I. 2019/648 reg. 2\(5\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 2\(5\)\(a\)](#) substituted (1.9.2020) by [S.I. 2020/818](#), [regs. 1\(b\)](#), [Sch. 6 para. 39\(2\)\(c\)\(i\)](#))
- s. 85(1) words omitted (temp.) by [S.I. 2019/648 reg. 2\(5\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 2\(5\)\(a\)](#) substituted (1.9.2020) by [S.I. 2020/818](#), [regs. 1\(b\)](#), [Sch. 6 para. 39\(2\)\(c\)\(ii\)](#))
- s. 85(2) added by [1988 c. 54 Sch. 2 para. 17\(c\)](#)
- s. 97(1)(c)(ia) words repealed by [2006 c. 49 Sch. 3 para. 6\(2\)\(b\)Sch. 7\(4\)](#)
- s. 97(1)(d)(ii) words omitted by [S.I. 2018/1251 reg. 2\(4\)](#)
- s. 97(1ZA) inserted by [2006 c. 49 s. 38\(2\)](#)
- s. 108(1BA) inserted by [S.I. 2018/1251 reg. 2\(5\)\(c\)](#)
- s. 123123A substituted for s. 123 by [2006 c. 49 Sch. 6 para. 2](#)
- s. 123A(3) words inserted by [2009 c. 17 s. 1\(3\)](#)
- s. 124(3)-(5) inserted by [2009 c. 17 s. 3](#)
- s. 124(6) inserted by [2015 c. 20 Sch. 2 para. 2\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(3A)-(3D) inserted by [2015 c. 20 Sch. 2 para. 3\(2\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(5A) inserted by [2015 c. 20 Sch. 2 para. 3\(3\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125A(5)-(7E) substituted for s. 125A(5)-(7) by [2006 c. 49 Sch. 6 para. 6\(3\)](#)
- s. 125ZA inserted by [2006 c. 49 Sch. 6 para. 5](#)
- s. 125ZA(2)(b) word omitted by [2015 c. 20 Sch. 2 para. 4\(2\)\(a\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(2)(d) and word inserted by [2015 c. 20 Sch. 2 para. 4\(2\)\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(c) word omitted by [2015 c. 20 Sch. 2 para. 4\(3\)\(c\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(c) words substituted by [2015 c. 20 Sch. 2 para. 4\(3\)\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(ba)(bb) inserted by [2015 c. 20 Sch. 2 para. 4\(3\)\(a\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)

- s. 125ZA(4)(ca) inserted by [2015 c. 20 Sch. 2 para. 4\(3\)\(d\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126(5) omitted by [2015 c. 20 Sch. 2 para. 6](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126A inserted by [2016 c. 16 s. 1\(3\)](#)
- s. 126A omitted (cond.) by 2006 c. 49 Sch. 6 para. 8A (as inserted) by [2016 c. 16 s. 3\(3\)](#)
- s. 126A heading words inserted by [S.I. 2016/1089 reg. 3\(2\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 126A(1) words inserted by [S.I. 2016/1089 reg. 3\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 126A(1) words inserted by [S.I. 2016/1089 reg. 3\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128A inserted by [2006 c. 49 Sch. 6 para. 11](#)
- s. 128A(4) inserted by 2006 c. 49 Sch. 6 para. 11 (as inserted) by [2016 c. 16 s. 4\(4\)](#)
- s. 128B inserted by [2015 c. 20 Sch. 2 para. 9](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 128ZA inserted by [2009 c. 17 s. 1\(1\)](#)
- s. 128ZB inserted by [2009 c. 17 s. 2](#)
- s. 128AZA128AZB inserted by [2016 c. 16 s. 2\(2\)](#)
- s. 128AZA128AZB inserted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by [2016 c. 16 s. 4\(2\)](#)
- s. 128AZA128AZB substituted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by [2016 c. 16 s. 4\(2\)](#)
- s. 128AZA heading words inserted by [S.I. 2016/1089 reg. 4\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZA(1) words inserted by [S.I. 2016/1089 reg. 4\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZA(4) words inserted by [S.I. 2016/1089 reg. 4\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB heading words inserted by [S.I. 2016/1089 reg. 4\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB(1) words inserted by [S.I. 2016/1089 reg. 4\(3\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB(1) words inserted by [S.I. 2016/1089 reg. 4\(3\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 131(A1)-(C1) inserted by 2006 c. 49, Sch. 6 para. 13(1A) (as inserted) by [S.I. 2023/1286 Sch. 3 para. 92\(2\)\(a\)\(i\)](#)
- s. 131(3)(b)(c) substituted for s. 131(3)(b) and word by [2006 c. 49 Sch. 6 para. 13\(4\)](#)
- s. 131(6) inserted by [2016 c. 16 s. 2\(4\)](#)
- s. 131(6) inserted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by [2016 c. 16 s. 4\(5\)](#)
- s. 131(6) substituted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by [2016 c. 16 s. 4\(5\)](#)
- s. 132-133ZA and cross-heading substituted for ss. 132, 133 and cross-heading by [2006 c. 49 Sch. 6 para. 14](#)

- s. 133(2)(a) words omitted by [2015 c. 20 Sch. 2 para. 10\(a\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133(2)(b) words omitted by [2015 c. 20 Sch. 2 para. 10\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133D(1A) inserted by [2015 c. 20 Sch. 2 para. 14\(2\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 140(1)(2) inserted by [2006 c. 49 Sch. 6 para. 23\(2\)](#)
- s. 140(1A) inserted in earlier affecting provision 2006 c. 49, Sch. 6 para. 23(2) by [S.I. 2023/1286 Sch. 3 para. 92\(2\)\(b\)](#)
- s. 140(3) s. 140 renumbered as s. 140(3) by [2006 c. 49 Sch. 6 para. 23\(1\)](#)
- s. 141A(5) words repealed by [2006 c. 49 Sch. 3 para. 24](#)[Sch. 7\(4\)](#)
- s. 143(1A) repealed (cond.) by [S.I. 2019/1047 Sch. 2 para. 2](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 143(1A) by 2018 c. 18, Sch. para. 17 was repealed (1.11.2019) by The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, Sch. 2 para. 1 (with reg. 5) without ever being brought into force.)
- s. 173(2)(g)-(gb) substituted for s. 173(2)(g) by [2006 c. 49 Sch. 6 para. 27](#)
- s. 173(2)(n) and word inserted by [2006 c. 49 s. 37\(8\)](#)
- s. 174(1)(da) inserted by [2006 c. 49 Sch. 6 para. 28](#)
- s. 183(6A) inserted by [2006 c. 49 Sch. 6 para. 29](#)