



Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Modifications etc. (not altering text)

- C1** Pt. I modified (E.W.S.) (16.8.2006) by [The Dover Harbour Revision Order 2006 \(S.I. 2006/2167\)](#), [art. 27](#)

Driving offences

[^{F1}1 **Causing death by dangerous driving.**

A person who causes the death of another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.]

Textual Amendments

- F1** Ss. 1-2A substituted (1.7.1992) for ss. 1-2 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s.1](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

[^{F2}1A **Causing serious injury by dangerous driving**

- (1) A person who causes serious injury to another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.
- (2) In this section “serious injury” means—
 - (a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and
 - (b) in Scotland, severe physical injury.]

Status: Point in time view as at 01/11/2019.

Changes to legislation: Road Traffic Act 1988, Part I is up to date with all changes known to be in force on or before 28 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)

Textual Amendments

- F2** S. 1A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 143\(2\), 151\(1\)](#) (with [s. 143\(4\)](#)); S.I. 2012/2770, [art. 2\(b\)](#)

[^{F3}2 **Dangerous driving.**

A person who drives a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.]

Textual Amendments

- F3** Ss. 1- 2A substituted (1.7.1992) for ss. 1-2 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s.1](#); S.I. 1992/1286, [art. 2](#),Sch.

[^{F4}2A **Meaning of dangerous driving.**

- (1) For the purposes of sections 1 [^{F5}, 1A] and 2 above a person is to be regarded as driving dangerously if (and, subject to subsection (2) below, only if)—
 - (a) the way he drives falls far below what would be expected of a competent and careful driver, and
 - (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.
- (2) A person is also to be regarded as driving dangerously for the purposes of sections 1 [^{F5}, 1A] and 2 above if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.
- (3) In subsections (1) and (2) above “dangerous” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.
- (4) In determining for the purposes of subsection (2) above the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.]

Textual Amendments

- F4** Ss. 1-2A substituted (1.7.1992) for ss. 1-2 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s.1](#); S.I. 1992/1286, [art. 2](#),Sch.
- F5** Word in s. 2A(1)(2) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 143\(3\), 151\(1\)](#); S.I. 2012/2770, [art. 2\(b\)](#)

[^{F6}2B **Causing death by careless, or inconsiderate, driving**

A person who causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without

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reasonable consideration for other persons using the road or place, is guilty of an offence.]

Textual Amendments

F6 S. 2B inserted (18.8.2008) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 20(1)**, 61(1) (with s. 61(4)(5)); S.I. 2008/1918, **art. 2**

[^{F7}**3 Careless, and inconsiderate, driving.**

If a person drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence.]

Textual Amendments

F7 S. 3 substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), **s. 2**; S.I. 1992/1286, **art. 2**, Sch.

[^{F8}**3ZA Meaning of careless, or inconsiderate, driving**

- (1) This section has effect for the purposes of sections 2B and 3 above and section 3A below.
- (2) A person is to be regarded as driving without due care and attention if (and only if) the way he drives falls below what would be expected of a competent and careful driver.
- (3) In determining for the purposes of subsection (2) above what would be expected of a careful and competent driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.
- (4) A person is to be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving.]

Textual Amendments

F8 S. 3ZA inserted (24.9.2007 for certain purposes and otherwise 18.8.2008) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 30**, 61; S.I. 2007/2472, **art. 2(h)**; S.I. 2008/1918, **art. 2**

[^{F9}**3ZB Causing death by driving: unlicensed^{F10} ... or uninsured drivers**

A person is guilty of an offence under this section if he causes the death of another person by driving a motor vehicle on a road and, at the time when he is driving, the circumstances are such that he is committing an offence under—

- (a) section 87(1) of this Act (driving otherwise than in accordance with a licence),
- (b) ^{F11}... or
- (c) section 143 of this Act (using motor vehicle while uninsured^{F12} ...).]

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Textual Amendments

- F9** S. 3ZB inserted (18.8.2008) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 21(1)**, 61(1) (with s. 61(4)(5)); S.I. 2008/1918, **art. 2**
- F10** Word in s. 3ZB heading omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 6 para. 1(3)** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75
- F11** S. 3ZB(b) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 6 para. 1(2)** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75
- F12** Words in s. 3ZB(c) omitted (1.11.2019) by virtue of [The Motor Vehicles \(Compulsory Insurance\) \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1047\)](#), reg. 1, **Sch. 1 para. 2** (with reg. 5)

[^{F13}3ZC Causing death by driving: disqualified drivers

A person is guilty of an offence under this section if he or she—

- (a) causes the death of another person by driving a motor vehicle on a road, and
- (b) at that time, is committing an offence under section 103(1)(b) of this Act (driving while disqualified).

Textual Amendments

- F13** Ss. 3ZC-3ZD inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 29(1)**, 95(1) (with s. 29(3)(5)); S.I. 2015/778, art. 3, Sch. 1 para. 24

3ZD Causing serious injury by driving: disqualified drivers

(1) A person is guilty of an offence under this section if he or she—

- (a) causes serious injury to another person by driving a motor vehicle on a road, and
- (b) at that time, is committing an offence under section 103(1)(b) of this Act (driving while disqualified).

(2) In this section “serious injury” means—

- (a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and
- (b) in Scotland, severe physical injury.]

Textual Amendments

- F13** Ss. 3ZC-3ZD inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 29(1)**, 95(1) (with s. 29(3)(5)); S.I. 2015/778, art. 3, Sch. 1 para. 24

[^{F14}3A Causing death by careless driving when under influence of drink or drugs.

(1) If a person causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, and—

- (a) he is, at the time when he is driving, unfit to drive through drink or drugs, or

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- (b) he has consumed so much alcohol that the proportion of it in his breath, blood or urine at that time exceeds the prescribed limit, or
- [he has in his body a specified controlled drug and the proportion of it in his blood or urine at that time exceeds the specified limit for that drug, or]
- ^{F15}(ba) he is, within 18 hours after that time, required to provide a specimen in pursuance of section 7 of this Act, but without reasonable excuse fails to provide it,^{F16} or
- (d) he is required by a constable to give his permission for a laboratory test of a specimen of blood taken from him under section 7A of this Act, but without reasonable excuse fails to do so,]
- he is guilty of an offence.
- (2) For the purposes of this section a person shall be taken to be unfit to drive at any time when his ability to drive properly is impaired.
- (3) Subsection (1)(b)^{F17}, (ba)^{F18}, (c) and (d)] above shall not apply in relation to a person driving a mechanically propelled vehicle other than a motor vehicle.]

Textual Amendments

- F14** S. 3A inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), **s.3**; S.I. 1992/1286, art. 2, **Sch.**
- F15** S. 3A(1)(ba) inserted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 22 para. 2(2)**; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2
- F16** S. 3A(1)(d) and preceding word inserted (24.9.2007) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 31(2)**, 61; S.I. 2007/2472, **art. 2(i)**
- F17** Word in s. 3A(3) inserted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 22 para. 2(3)**; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2
- F18** Words in s. 3A(3) substituted (24.9.2007) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 31(3)**, 61; S.I. 2007/2472, **art. 2(i)**

Motor vehicles: drink and drugs

4 Driving, or being in charge, when under influence of drink or drugs.

- (1) A person who, when driving or attempting to drive a [^{F19}mechanically propelled vehicle] on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.
- (2) Without prejudice to subsection (1) above, a person who, when in charge of a [^{F19}mechanically propelled vehicle] which is on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.
- (3) For the purposes of subsection (2) above, a person shall be deemed not to have been in charge of a [^{F19}mechanically propelled vehicle] if he proves that at the material time the circumstances were such that there was no likelihood of his driving it so long as he remained unfit to drive through drink or drugs.
- (4) The court may, in determining whether there was such a likelihood as is mentioned in subsection (3) above, disregard any injury to him and any damage to the vehicle.

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- (5) For the purposes of this section, a person shall be taken to be unfit to drive if his ability to drive properly is for the time being impaired.
- (6) ^{F20}A constable may arrest a person without warrant if he has reasonable cause to suspect that that person is or has been committing an offence under this section.]
- (7) ^{F20}For the purpose of arresting a person under the power conferred by subsection (6) above, a constable may enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.]
- (8) ^{F20}.....

Textual Amendments

- F19** Words in s. 4(1)(2)(3) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 4; S.I. 1992/1286, art. 2, [Sch.](#)
- F20** S. 4(6)(7) repealed (E.W.) (1.1.2006) and s. 4(8) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 174(2), 178, [Sch. 7 para. 27\(2\)\(4\)](#), [Sch. 17 Pt. 2](#); S.I. 2005/3495, [art. 2\(1\)\(m\)\(u\)](#) (subject to [art. 2\(2\)](#))

Modifications etc. (not altering text)

- C2** Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\)](#), regs. 1, 3

5 Driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit.

- (1) If a person—
- (a) drives or attempts to drive a motor vehicle on a road or other public place, or
 - (b) is in charge of a motor vehicle on a road or other public place,
- after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit he is guilty of an offence.
- (2) It is a defence for a person charged with an offence under subsection (1)(b) above to prove that at the time he is alleged to have committed the offence the circumstances were such that there was no likelihood of his driving the vehicle whilst the proportion of alcohol in his breath, blood or urine remained likely to exceed the prescribed limit.
- (3) The court may, in determining whether there was such a likelihood as is mentioned in subsection (2) above, disregard any injury to him and any damage to the vehicle.

Modifications etc. (not altering text)

- C2** Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\)](#), regs. 1, 3

^{F21}5A Driving or being in charge of a motor vehicle with concentration of specified controlled drug above specified limit

- (1) This section applies where a person (“D”)—
- (a) drives or attempts to drive a motor vehicle on a road or other public place, or

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- (b) is in charge of a motor vehicle on a road or other public place, and there is in D's body a specified controlled drug.
- (2) D is guilty of an offence if the proportion of the drug in D's blood or urine exceeds the specified limit for that drug.
- (3) It is a defence for a person (“D”) charged with an offence under this section to show that—
 - (a) the specified controlled drug had been prescribed or supplied to D for medical or dental purposes,
 - (b) D took the drug in accordance with any directions given by the person by whom the drug was prescribed or supplied, and with any accompanying instructions (so far as consistent with any such directions) given by the manufacturer or distributor of the drug, and
 - (c) D's possession of the drug immediately before taking it was not unlawful under section 5(1) of the Misuse of Drugs Act 1971 (restriction of possession of controlled drugs) because of an exemption in regulations made under section 7 of that Act (authorisation of activities otherwise unlawful under foregoing provisions).
- (4) The defence in subsection (3) is not available if D's actions were—
 - (a) contrary to any advice, given by the person by whom the drug was prescribed or supplied, about the amount of time that should elapse between taking the drug and driving a motor vehicle, or
 - (b) contrary to any accompanying instructions about that matter (so far as consistent with any such advice) given by the manufacturer or distributor of the drug.
- (5) If evidence is adduced that is sufficient to raise an issue with respect to the defence in subsection (3), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) It is a defence for a person (“D”) charged with an offence by virtue of subsection (1)(b) to prove that at the time D is alleged to have committed the offence the circumstances were such that there was no likelihood of D driving the vehicle whilst the proportion of the specified controlled drug in D's blood or urine remained likely to exceed the specified limit for that drug.
- (7) The court may, in determining whether there was such a likelihood, disregard any injury to D and any damage to the vehicle.
- (8) In this section, and in sections 3A, 6C(1), 6D and 10, “specified” means specified in regulations made—
 - (a) by the Secretary of State, in relation to driving or attempting to drive, or being in charge of a vehicle, in England and Wales;
 - (b) by the Scottish Ministers, in relation to driving or attempting to drive, or being in charge of a vehicle, in Scotland.
- (9) A limit specified under subsection (2) may be zero.]

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Textual Amendments

F21 S. 5A inserted (2.3.2015 for E.W., 1.3.2018 in so far as not already in force) by **Crime and Courts Act 2013 (c. 22), ss. 56(1), 61(2); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2**

[^{F22}6 Power to administer preliminary tests

- (1) If any of subsections (2) to (5) applies a constable may require a person to co-operate with any one or more preliminary tests administered to the person by that constable or another constable.
- (2) This subsection applies if a constable reasonably suspects that the person—
 - (a) is driving, is attempting to drive or is in charge of a motor vehicle on a road or other public place, and
 - (b) has alcohol or a drug in his body or is under the influence of a drug.
- (3) This subsection applies if a constable reasonably suspects that the person—
 - (a) has been driving, attempting to drive or in charge of a motor vehicle on a road or other public place while having alcohol or a drug in his body or while unfit to drive because of a drug, and
 - (b) still has alcohol or a drug in his body or is still under the influence of a drug.
- (4) This subsection applies if a constable reasonably suspects that the person—
 - (a) is or has been driving, attempting to drive or in charge of a motor vehicle on a road or other public place, and
 - (b) has committed a traffic offence while the vehicle was in motion.
- (5) This subsection applies if—
 - (a) an accident occurs owing to the presence of a motor vehicle on a road or other public place, and
 - (b) a constable reasonably believes that the person was driving, attempting to drive or in charge of the vehicle at the time of the accident.
- (6) A person commits an offence if without reasonable excuse he fails to co-operate with a preliminary test in pursuance of a requirement imposed under this section.
- (7) A constable may administer a preliminary test by virtue of any of subsections (2) to (4) only if he is in uniform.
- (8) In this section—
 - (a) a reference to a preliminary test is to any of the tests described in sections 6A to 6C, and
 - (b) “traffic offence” means an offence under—
 - (i) a provision of Part II of the Public Passenger Vehicles Act 1981 (c. 14),
 - (ii) a provision of the Road Traffic Regulation Act 1984 (c. 27),
 - (iii) a provision of the Road Traffic Offenders Act 1988 (c. 53) other than a provision of Part III, or
 - (iv) a provision of this Act other than a provision of Part V.]

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Textual Amendments

- F22** Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 107, 120, [Sch. 7 para. 1](#); S.I. 2004/827, [art. 2, 3](#)

Modifications etc. (not altering text)

- C2** Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\)](#), regs. 1, 3
- C3** S. 6 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [ss. 83\(1\)\(3\), 96\(1\)\(3\)](#), 120 (with ss. 90, 100); S.I. 2004/827, [arts. 2, 3](#)

[^{F23}6A Preliminary breath test

- (1) A preliminary breath test is a procedure whereby the person to whom the test is administered provides a specimen of breath to be used for the purpose of obtaining, by means of a device of a type approved by the Secretary of State, an indication whether the proportion of alcohol in the person's breath or blood is likely to exceed the prescribed limit.
- (2) A preliminary breath test administered in reliance on section 6(2) to (4) may be administered only at or near the place where the requirement to co-operate with the test is imposed.
- (3) A preliminary breath test administered in reliance on section 6(5) may be administered—
 - (a) at or near the place where the requirement to co-operate with the test is imposed, or
 - (b) if the constable who imposes the requirement thinks it expedient, at a police station specified by him.

Textual Amendments

- F23** Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 107, 120, [Sch. 7 para. 1](#); S.I. 2004/827, [arts. 2, 3](#)

Modifications etc. (not altering text)

- C2** Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\)](#), regs. 1, 3
- C4** Ss. 6A-6E applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [ss. 83\(1\)\(3\), 96\(1\)\(3\)](#), 120 (with ss. 90, 100); S.I. 2004/827, [arts. 2, 3](#)

6B Preliminary impairment test

- (1) A preliminary impairment test is a procedure whereby the constable administering the test—
 - (a) observes the person to whom the test is administered in his performance of tasks specified by the constable, and

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- (b) makes such other observations of the person's physical state as the constable thinks expedient.
- (2) The Secretary of State shall issue (and may from time to time revise) a code of practice about—
 - (a) the kind of task that may be specified for the purpose of a preliminary impairment test,
 - (b) the kind of observation of physical state that may be made in the course of a preliminary impairment test,
 - (c) the manner in which a preliminary impairment test should be administered, and
 - (d) the inferences that may be drawn from observations made in the course of a preliminary impairment test.
- (3) In issuing or revising the code of practice the Secretary of State shall aim to ensure that a preliminary impairment test is designed to indicate—
 - (a) whether a person is unfit to drive, and
 - (b) if he is, whether or not his unfitness is likely to be due to drink or drugs.
- (4) A preliminary impairment test may be administered—
 - (a) at or near the place where the requirement to co-operate with the test is imposed, or
 - (b) if the constable who imposes the requirement thinks it expedient, at a police station specified by him.
- (5) A constable administering a preliminary impairment test shall have regard to the code of practice under this section.
- (6) A constable may administer a preliminary impairment test only if he is approved for that purpose by the chief officer of the police force to which he belongs.
- (7) A code of practice under this section may include provision about—
 - (a) the giving of approval under subsection (6), and
 - (b) in particular, the kind of training that a constable should have undergone, or the kind of qualification that a constable should possess, before being approved under that subsection.

Textual Amendments

F23 Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 107, 120, [Sch. 7 para. 1](#); S.I. 2004/827, [arts. 2, 3](#)

Modifications etc. (not altering text)

C2 Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\)](#), regs. 1, 3

C5 Ss. 6A-6E applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. [83\(1\)\(3\)](#), [96\(1\)\(3\)](#), 120 (with ss. 90, 100); S.I. 2004/827, [arts. 2, 3](#)

6C Preliminary drug test

- (1) A preliminary drug test is a procedure by which a specimen of sweat or saliva is—

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- (a) obtained, and
 - (b) used for the purpose of obtaining, by means of a device of a type approved by the Secretary of State, an indication whether the person to whom the test is administered has a drug [^{F24}in his body and if so—
 - (i) whether it is a specified controlled drug;
 - (ii) if it is, whether the proportion of it in the person's blood or urine is likely to exceed the specified limit for that drug.]
- (2) A preliminary drug test may be administered—
- (a) at or near the place where the requirement to co-operate with the test is imposed, or
 - (b) if the constable who imposes the requirement thinks it expedient, at a police station specified by him.

[Up to three preliminary drug tests may be administered.]
^{F25}(3)

Textual Amendments

- F23** Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by [Railways and Transport Safety Act 2003 \(c. 20\), ss. 107, 120, Sch. 7 para. 1; S.I. 2004/827, arts. 2, 3](#)
- F24** Words in s. 6C(1)(b) substituted (2.3.2015 for E.W., 1.3.2018 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 22 para. 3\(2\) \(with Sch. 22 para. 8\); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2](#)
- F25** S. 6C(3) inserted (2.3.2015 for E.W., 1.3.2018 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 22 para. 3\(3\) \(with Sch. 22 para. 8\); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2](#)

Modifications etc. (not altering text)

- C2** Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\), regs. 1, 3](#)
- C6** Ss. 6A-6E applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by [Railways and Transport Safety Act 2003 \(c. 20\), ss. 83\(1\)\(3\), 96\(1\)\(3\), 120 \(with ss. 90, 100\); S.I. 2004/827, arts. 2, 3](#)

6D Arrest

- (1) A constable may arrest a person without warrant if as a result of a preliminary breath test [^{F26}or preliminary drug test the constable reasonably suspects that—
- (a) the proportion of alcohol in the person's breath or blood exceeds the prescribed limit, or
 - (b) the person has a specified controlled drug in his body and the proportion of it in the person's blood or urine exceeds the specified limit for that drug.]

[The fact that specimens of breath have been provided under section 7 of this Act by the ^{F27}(1A) person concerned does not prevent subsection (1) above having effect if the constable who imposed on him the requirement to provide the specimens has reasonable cause to believe that the device used to analyse the specimens has not produced a reliable indication of the proportion of alcohol in the breath of the person.]

Status: Point in time view as at 01/11/2019.

Changes to legislation: Road Traffic Act 1988, Part I is up to date with all changes known to be in force on or before 28 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)

- (2) A constable may arrest a person without warrant if—
- (a) the person fails to co-operate with a preliminary test in pursuance of a requirement imposed under section 6, and
 - (b) the constable reasonably suspects that the person has alcohol or a drug in his body or is under the influence of a drug.

[A person arrested under this section may, instead of being taken to a police station, ^{F28}(2A) be detained at or near the place where the preliminary test was, or would have been, administered, with a view to imposing on him there a requirement under section 7 of this Act.]

[^{F29}(2A) Instead of, or before, arresting a person under this section, a constable may detain the person at or near the place where the preliminary test was, or would have been, administered with a view to imposing on the person there a requirement under section 7.]

- (3) A person may not be arrested under this section while at a hospital as a patient.

Textual Amendments

- F23** Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by [Railways and Transport Safety Act 2003 \(c. 20\), ss. 107, 120, Sch. 7 para. 1; S.I. 2004/827, arts. 2, 3](#)
- F26** Words in s. 6D(1) substituted (2.3.2015 for E.W., 1.3.2018 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 22 para. 4 \(with Sch. 22 para. 8\); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2](#)
- F27** S. 6D(1A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 154\(2\), 178; S.I. 2005/1521, art. 3\(1\) \(subject to art. 3\(4\)\(5\)\)](#)
- F28** S. 6D(2A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 154\(3\), 178; S.I. 2005/1521, art. 3\(1\) \(subject to art. 3\(4\)\(5\)\)](#)
- F29** S. 6D(2A) substituted (S.) (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\), s. 117\(2\), sch. 2 para. 36; S.S.I. 2017/345, art. 3, sch. \(with art. 4\)](#)

Modifications etc. (not altering text)

- C2** Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\), regs. 1, 3](#)
- C7** Ss. 6A-6E applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by [Railways and Transport Safety Act 2003 \(c. 20\), ss. 83\(1\)\(3\), 96\(1\)\(3\), 120 \(with ss. 90, 100\); S.I. 2004/827, arts. 2, 3](#)

6E Power of entry

- (1) A constable may enter any place (using reasonable force if necessary) for the purpose of—
- (a) imposing a requirement by virtue of section 6(5) following an accident in a case where the constable reasonably suspects that the accident involved injury of any person, or
 - (b) arresting a person under section 6D following an accident in a case where the constable reasonably suspects that the accident involved injury of any person.
- (2) This section—
- (a) does not extend to Scotland, and

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- (b) is without prejudice to any rule of law or enactment about the right of a constable in Scotland to enter any place.]

Textual Amendments

F23 Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 107, 120, [Sch. 7 para. 1](#); S.I. 2004/827, [arts. 2, 3](#)

Modifications etc. (not altering text)

C2 Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\)](#), regs. 1, 3

C8 Ss. 6A-6E applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. [83\(1\)\(3\)](#), [96\(1\)\(3\)](#), 120 (with ss. 90, 100); S.I. 2004/827, [arts. 2, 3](#)

7 Provision of specimens for analysis.

(1) In the course of an investigation into whether a person has committed an offence under [^{F30}section 3A, 4] or 5 of this Act a constable may, subject to the following provisions of this section and section 9 of this Act, require him—

- (a) to provide two specimens of breath for analysis by means of a device of a type approved by the Secretary of State, or
- (b) to provide a specimen of blood or urine for a laboratory test.

[^{F31}(1A) In the course of an investigation into whether a person has committed an offence under section 5A of this Act a constable may, subject to subsections (3) to (7) of this section and section 9 of this Act, require the person to provide a specimen of blood or urine for a laboratory test.]

(2) A constable may make a requirement under this section to provide specimens of breath only if—

- (a) the requirement is made at a police station or a hospital,
- (b) the requirement is imposed in circumstances where section 6(5) of this Act applies, or
- (c) the constable is in uniform.

[^{F32}(2A)]

[^{F32}(2B)]

(2C) Where a constable has imposed a requirement on the person concerned to co-operate with a relevant breath test at any place, he is entitled to remain at or near that place in order to impose on him there a requirement under this section.

[^{F33}(2CA) For the purposes of subsection (2C) “a relevant breath test” is a procedure involving the provision by the person concerned of a specimen of breath to be used for the purpose of obtaining an indication whether the proportion of alcohol in his breath or blood is likely to exceed the prescribed limit.]

(2D) If a requirement under subsection (1)(a) above has been made at a place other than at a police station, such a requirement may subsequently be made at a police station if (but only if)—

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- (a) a device or a reliable device of the type mentioned in subsection (1)(a) above was not available at that place or it was for any other reason not practicable to use such a device there, or
 - (b) the constable who made the previous requirement has reasonable cause to believe that the device used there has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned.
- (3) A requirement under this section to provide a specimen of blood or urine can only be made at a police station or at a hospital; and it cannot be made at a police station unless—
- (a) the constable making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required, or
 - (b) [^{F34}specimens of breath have not been provided elsewhere and] at the time the requirement is made a device or a reliable device of the type mentioned in subsection (1)(a) above is not available at the police station or it is then for any other reason not practicable to use such a device there, or
 - ^{F35}[(bb) a device of the type mentioned in subsection (1)(a) above has been used [^{F36}(at the police station or elsewhere)] but the constable who required the specimens of breath has reasonable cause to believe that the device has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned, or]
 - ^{F37}(bc) as a result of the administration of a preliminary drug test, the constable making the requirement has reasonable cause to believe that the person required to provide a specimen of blood or urine has a drug in his body, or]
 - (c) the suspected offence is one under section 3A [^{F38}, 4 or 5A] of this Act and the constable making the requirement has been advised by a medical practitioner [^{F39}or a registered health care professional] that the condition of the person required to provide the specimen might be due to some drug;
- but may then be made notwithstanding that the person required to provide the specimen has already provided or been required to provide two specimens of breath.
- (4) If the provision of a specimen other than a specimen of breath may be required in pursuance of this section the question whether it is to be a specimen of blood or a specimen of urine [^{F40}and, in the case of a specimen of blood, the question who is to be asked to take it shall be decided (subject to subsection (4A)) by the constable making the requirement].
- ^{F41}(4A) Where a constable decides for the purposes of subsection (4) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if—
- (a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or
 - (b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner;
- and, where by virtue of this subsection there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead.]
- (5) A specimen of urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.
- ^{F42}(5A) A constable may arrest a person without warrant if—

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- (a) the person fails to provide a specimen of breath when required to do so in pursuance of this section, and
 - (b) the constable reasonably suspects that the person has alcohol in his body.]
- (6) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this section is guilty of an offence.
- (7) A constable must, on requiring any person to provide a specimen in pursuance of this section, warn him that a failure to provide it may render him liable to prosecution.

Textual Amendments

- F30** Words in S. 7(1) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4 para. 42(a)**; S.I. 1992/1286, art. 2, **Sch.**
- F31** S. 7(1A) inserted (2.3.2015 for E.W., 1.3.2018 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 22 para. 5(2)** (with [Sch. 22 para. 8](#)); S.I. 2014/3268, **art. 2**; S.I. 2018/161, **art. 2**; S.I. 2018/162, **art. 2**; S.I. 2014/3268, **art. 2**; S.I. 2018/161, **art. 2**; S.I. 2018/162, **art. 2**
- F32** S. 7(2A)(2B) omitted (10.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 3(3)**; S.I. 2015/994, art. 4
- F33** S. 7(2CA) inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 3(4)**; S.I. 2015/994, art. 4
- F34** Words in s. 7(3)(b) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 154(6)(a)**, 178; S.I. 2005/1521, **art. 3(1)** (subject to [art. 3\(4\)\(5\)](#))
- F35** S. 7(3)(bb) inserted (4.7.1996 but with effect (1.4.1997) as mentioned in s. 63(3)(4)) by [1996 c. 25](#), s. **63(1)** (with [s. 78\(1\)](#)); S.I. 1997/682, **art. 2(1)(b)**
- F36** Words in s. 7(3)(bb) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 154(6)(b)**, 178; S.I. 2005/1521, **art. 3(1)** (subject to [art. 3\(4\)\(5\)](#))
- F37** S. 7(3)(bc) inserted (30.3.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **ss. 107, 120, Sch. 7 para. 2**; S.I. 2004/827, **art. 3**
- F38** Words in s. 7(3)(c) substituted (2.3.2015 for E.W., 1.3.2018 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 22 para. 5(3)** (with [Sch. 22 para. 8](#)); S.I. 2014/3268, **art. 2**; S.I. 2018/161, **art. 2**; S.I. 2018/162, **art. 2**; S.I. 2014/3268, **art. 2**; S.I. 2018/161, **art. 2**; S.I. 2018/162, **art. 2**
- F39** Words in s. 7(3)(c) inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 5**; S.I. 2015/994, art. 4
- F40** Words in s. 7(4) substituted (1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 55(1), 108(2)**; S.I. 2003/808, **art. 2(e)**
- F41** S. 7(4A) inserted (1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 55(2), 108(2)**; S.I. 2003/808, **art. 2(e)**
- F42** S. 7(5A) inserted (10.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 3(5)**; S.I. 2015/994, art. 4

Modifications etc. (not altering text)

- C2** Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\)](#), **regs. 1, 3**
- C9** S. 7 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **ss. 83(1)(3), 96(1)(3)**, 120 (with **ss. 90, 100**); S.I. 2004/827, **arts. 2, 3**

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[^{F43}7A Specimens of blood taken from persons incapable of consenting

- (1) A constable may make a request to [^{F44}a medical or health care practitioner] for him to take a specimen of blood from a person (“the person concerned”) irrespective of whether that person consents if—
 - (a) that person is a person from whom the constable would (in the absence of any incapacity of that person and of any objection under section 9) be entitled under section 7 to require the provision of a specimen of blood for a laboratory test;
 - (b) it appears to that constable that that person has been involved in an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter;
 - (c) it appears to that constable that that person is or may be incapable (whether or not he has purported to do so) of giving a valid consent to the taking of a specimen of blood; and
 - (d) it appears to that constable that that person’s incapacity is attributable to medical reasons.
- (2) A request under this section—
 - (a) shall not be made to [^{F45}a medical or health care practitioner] who for the time being has any responsibility (apart from the request) for the clinical care of the person concerned; and
 - (b) shall not be made to [^{F46}a practitioner other than a police medical or health care practitioner] unless—
 - (i) it is not reasonably practicable for the request [^{F47}to be made to a police medical or health care practitioner]; or
 - (ii) it is not reasonably practicable for such a ^{F48}... practitioner (assuming him to be willing to do so) to take the specimen.
- (3) It shall be lawful for [^{F49}a medical or health care practitioner] to whom a request is made under this section, if he thinks fit—
 - (a) to take a specimen of blood from the person concerned irrespective of whether that person consents; and
 - (b) to provide the sample to a constable.
- (4) If a specimen is taken in pursuance of a request under this section, the specimen shall not be subjected to a laboratory test unless the person from whom it was taken—
 - (a) has been informed that it was taken; and
 - (b) has been required by a constable to give his permission for a laboratory test of the specimen; and
 - (c) has given his permission.
- (5) A constable must, on requiring a person to give his permission for the purposes of this section for a laboratory test of a specimen, warn that person that a failure to give the permission may render him liable to prosecution.
- (6) A person who, without reasonable excuse, fails to give his permission for a laboratory test of a specimen of blood taken from him under this section is guilty of an offence.
- [^{F50}(7) In this section—

“medical or health care practitioner” means a medical practitioner or a registered health care professional;

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“police medical or health care practitioner” means a medical practitioner, or a registered health care professional, who is engaged under any agreement to provide medical or health care services for purposes connected with the activities of a police force.]]

Textual Amendments

- F43** S. 7A inserted (1.10.2002) by 2002 c. 30, s. 56(1); S.I. 2002/2306, art. 2(d)(v)
- F44** Words in s. 7A(1) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), Sch. 11 para. 8(2); S.I. 2015/994, art. 4
- F45** Words in s. 7A(2)(a) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), Sch. 11 para. 8(2); S.I. 2015/994, art. 4
- F46** Words in s. 7A(2)(b) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), Sch. 11 para. 8(3); S.I. 2015/994, art. 4
- F47** Words in s. 7A(2)(b)(i) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), Sch. 11 para. 8(4); S.I. 2015/994, art. 4
- F48** Word in s. 7A(2)(b)(ii) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), Sch. 11 para. 8(5); S.I. 2015/994, art. 4
- F49** Words in s. 7A(3) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), Sch. 11 para. 8(6); S.I. 2015/994, art. 4
- F50** S. 7A(7) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), Sch. 11 para. 8(7); S.I. 2015/994, art. 4

Modifications etc. (not altering text)

- C2** Ss. 4-11 applied (with modifications) (5.8.2011) by The Road Traffic (Drink and Drugs) (Cambridgeshire Guided Busway) Regulations 2011 (S.I. 2011/1652), regs. 1, 3
- C10** S. 7A applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), ss. 83(1)(3), 96(1)(3), 120 (with ss. 90, 100); S.I. 2004/827, arts. 2, 3

8 [F51Breath specimen showing higher alcohol level to be disregarded.]

- (1) ^{F52}... of any two specimens of breath provided by any person in pursuance of section 7 of this Act that with the lower proportion of alcohol in the breath shall be used and the other shall be disregarded.

^{F53}(2)

^{F54}(2A)

^{F55}(3)

^{F56}(4)

Textual Amendments

- F51** S. 8 heading substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), Sch. 11 para. 1(3) (a); S.I. 2015/994, art. 4
- F52** Words in s. 8(1) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), Sch. 11 para. 1(3)(b); S.I. 2015/994, art. 4
- F53** S. 8(2) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), Sch. 11 para. 1(1); S.I. 2015/994, art. 4

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- F54** S. 8(2A) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 1(1)**; S.I. 2015/994, art. 4
- F55** S. 8(3) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 1(1)**; S.I. 2015/994, art. 4
- F56** S. 8(4) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 1(1)**; S.I. 2015/994, art. 4

Modifications etc. (not altering text)

- C2** Ss. 4-11 applied (with modifications) (5.8.2011) by The Road Traffic (Drink and Drugs) (Cambridgeshire Guided Busway) Regulations 2011 (S.I. 2011/1652), regs. 1, 3
- C11** S. 8 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3), 96(1)(3), 120** (with ss. 90, 100); S.I. 2004/827, **arts. 2, 3**

9 Protection for hospital patients.

- (1) While a person is at a hospital as a patient he shall not be required [^{F57}to co-operate with a preliminary test] or to provide a specimen [^{F58}under section 7 of this Act] unless the medical practitioner in immediate charge of his case has been notified of the proposal to make the requirement; and—
- (a) if the requirement is then made, [^{F59}it shall be for co-operation with a test administered, or for the provision of a specimen, at the hospital], but
 - (b) if the medical practitioner objects on the ground specified in subsection (2) below, the requirement shall not be made.

- [^{F60}(1A) While a person is at a hospital as a patient, no specimen of blood shall be taken from him under section 7A of this Act and he shall not be required to give his permission for a laboratory test of a specimen taken under that section unless the medical practitioner in immediate charge of his case—
- (a) has been notified of the proposal to take the specimen or to make the requirement; and
 - (b) has not objected on the ground specified in subsection (2).

- ^{F60}(2) The ground on which the medical practitioner may object is—
- (a) in a case falling within subsection (1), that the requirement or the provision of the specimen or (if one is required) the warning required by section 7(7) of this Act would be prejudicial to the proper care and treatment of the patient; and
 - (b) in a case falling within subsection (1A), that the taking of the specimen, the requirement or the warning required by section 7A(5) of this Act would be so prejudicial.]

Textual Amendments

- F57** Words in s. 9(1) substituted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 107, 120, Sch. 7 para. 3(a)**; S.I. 2004/827, **art. 3**
- F58** Words in s. 9(1) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 154(8), 178**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5))
- F59** Words in s. 9(1)(a) substituted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 107, 120, Sch. 7 para. 3(b)**; S.I. 2004/827, **art. 3**
- F60** S. 9(1A)(2) substituted for s. 9(2) (1.10.2002) by 2002 c. 30, **s. 56(2)**; S.I. 2002/2306, **art. 2(d)(v)**

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Modifications etc. (not altering text)

- C2** Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\)](#), regs. 1, 3
- C12** S. 9 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [ss. 83\(1\)\(3\), 96\(1\)\(3\)](#), 120 (with ss. 90, 100); S.I. 2004/827, [arts. 2, 3](#)

10 Detention of persons affected by alcohol or a drug.

- (1) Subject to subsections (2) and (3) below, a person required [^{F61}under section 7 or 7A] to provide a specimen of breath, blood or urine may afterwards be detained at a police station [^{F62}(or, if the specimen was provided otherwise than at a police station, arrested and taken to and detained at a police station) if a constable has reasonable grounds for believing] that, were that person then driving or attempting to drive a [^{F63}mechanically propelled vehicle] on a road, he would [^{F64}commit] an offence under section 4^{F65}, 5 or 5A] of this Act.
- (2) [^{F66}Subsection (1) above does not apply to the person if it ought reasonably to appear to the] constable that there is no likelihood of his driving or attempting to drive a [^{F63}mechanically propelled vehicle][^{F67}whilst—
- the person's ability to drive properly is impaired,
 - the proportion of alcohol in the person's breath, blood or urine exceeds the prescribed limit, or
 - the proportion of a specified controlled drug in the person's blood or urine exceeds the specified limit for that drug.]
- [^{F68}(2A) A person who is at a hospital as a patient shall not be arrested and taken from there to a police station in pursuance of this section if it would be prejudicial to his proper care and treatment as a patient.]
- (3) A constable must consult a medical practitioner on any question arising under this section whether a person's ability to drive properly is or might be impaired through drugs and must act on the medical practitioner's advice.

Textual Amendments

- F61** Words in s. 10(1) inserted (30.3.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 107, 120, [Sch. 7 para. 4](#); S.I. 2004/827, [art. 3](#)
- F62** Words in s. 10(1) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 154\(10\)\(a\)](#), 178; S.I. 2005/1521, [art. 3\(1\)](#) (subject to art. 3(4)(5))
- F63** Words in s. 10(1)(2) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40\)](#), SIF 107:1, s. 48, [Sch. 4 para. 43](#); S.I. 1992/1286, [art. 2](#), Sch.
- F64** Words in s. 10(1) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 154\(10\)\(b\)](#), 178; S.I. 2005/1521, [art. 3\(1\)](#) (subject to art. 3(4)(5))
- F65** Words in s. 10(1) substituted (2.3.2015 for E.W., 1.3.2018 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 22 para. 6\(2\)](#) (with Sch. 22 para. 8); S.I. 2014/3268, [art. 2](#); S.I. 2018/161, [art. 2](#); S.I. 2018/162, [art. 2](#); S.I. 2014/3268, [art. 2](#); S.I. 2018/161, [art. 2](#); S.I. 2018/162, [art. 2](#)
- F66** Words in s. 10(2) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 154\(11\)](#), 178; S.I. 2005/1521, [art. 3\(1\)](#) (subject to art. 3(4)(5))
- F67** Words in s. 10(2) substituted (2.3.2015 for E.W., 1.3.2018 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 22 para. 6\(3\)](#) (with Sch. 22 para. 8); S.I. 2014/3268, [art. 2](#);

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S.I. 2018/161, **art. 2**; S.I. 2018/162, **art. 2**; S.I. 2014/3268, **art. 2**; S.I. 2018/161, **art. 2**; S.I. 2018/162, **art. 2**

F68 S. 10(2A) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 154(12)**, 178; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5))

Modifications etc. (not altering text)

C2 Ss. 4-11 applied (with modifications) (5.8.2011) by The Road Traffic (Drink and Drugs) (Cambridgeshire Guided Busway) Regulations 2011 (S.I. 2011/1652), regs. 1, 3

C13 S. 10 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2, 3**

11 Interpretation of sections 4 to 10.

(1) The following provisions apply for the interpretation of sections [F69]3A] to 10 of this Act.

(2) In those sections—

^{F70} . . .

[^{F71}“controlled drug” has the meaning given by section 2 of the Misuse of Drugs Act 1971,]

“drug” includes any intoxicant other than alcohol,

“fail” includes refuse,

“hospital” means an institution which provides medical or surgical treatment for in-patients or out-patients,

“the prescribed limit” means, as the case may require—

- (a) 35 microgrammes of alcohol in 100 millilitres of breath,
- (b) 80 milligrammes of alcohol in 100 millilitres of blood, or
- (c) 107 milligrammes of alcohol in 100 millilitres of urine,

or such other proportion as may be prescribed by regulations ^{F72} . . .

[^{F73}“registered health care professional” means a person (other than a medical practitioner) who is—

- (a) a registered nurse; or
- (b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.]

[^{F74}“specified”, in relation to a controlled drug, has the meaning given by section 5A(8)]

[^{F75}(2ZA) Regulations under subsection (2) may be made—

- (a) by the Secretary of State, in relation to driving or attempting to drive, or being in charge of a vehicle, in England and Wales;
- (b) by the Scottish Ministers, in relation to driving or attempting to drive, or being in charge of a vehicle, in Scotland.]

[^{F76}(2A) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

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- (2B) An order under subsection (2) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (3) [^{F77}A person does not co-operate with a preliminary test or provide a specimen of breath for analysis unless his co-operation or the specimen]—
- (a) is sufficient to enable the test or the analysis to be carried out, and
 - (b) is provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved.
- [^{F78}(4) A person provides a specimen of blood if and only if—
- (a) he consents to the taking of such a specimen from him; and
 - (b) the specimen is taken from him ^{F79}... either by a medical practitioner or by a registered health care professional.]

Textual Amendments

- F69** Words "3A" in s. 11(1) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 44](#); [S.I. 1992/1286, art. 2, Sch.](#)
- F70** In s. 11(2) definition of "breath test" repealed (30.3.2004) by [Railways and Transport Safety Act 2003](#), (c. 20), ss. 107, 118, 120, [Sch. 7 para. 5\(a\)](#), {[Sch. 8](#)}; [S.I. 2004/827, art. 3](#)
- F71** Words in s. 11(2) inserted (2.3.2015 for E.W., 1.3.2018 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 56\(2\)\(a\)](#), 61(2); [S.I. 2014/3268, art. 2](#); [S.I. 2018/161, art. 2](#); [S.I. 2018/162, art. 2](#); [S.I. 2014/3268, art. 2](#); [S.I. 2018/161, art. 2](#); [S.I. 2018/162, art. 2](#)
- F72** Words in s. 11(2) omitted (3.7.2012) by virtue of [Scotland Act 2012 \(c. 11\)](#), [ss. 20\(6\)](#), 44(5); [S.I. 2012/1710, art. 2\(j\)](#)
- F73** In s. 11(2) definition of "registered health care professional" inserted (1.10.2002 for certain purposes and 1.4.2003 otherwise) by [Police Reform Act 2002 \(c. 30\)](#), ss. 55(3), 108(2); [S.I. 2002/2306, art. 4\(d\)](#); [S.I. 2003/808, art. 2\(e\)](#)
- F74** Words in s. 11(2) inserted (2.3.2015 for E.W., 1.3.2018 for S.N.I.) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 56\(2\)\(b\)](#), 61(2); [S.I. 2014/3268, art. 2](#); [S.I. 2018/161, art. 2](#); [S.I. 2018/162, art. 2](#); [S.I. 2014/3268, art. 2](#); [S.I. 2018/161, art. 2](#); [S.I. 2018/162, art. 2](#)
- F75** S. 11(2ZA) inserted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), [ss. 20\(7\)](#), 44(5); [S.I. 2012/1710, art. 2\(j\)](#)
- F76** S. 11(2A)(2B) inserted (1.10.2002 for certain purposes and 1.4.2003 otherwise) by [Police Reform Act 2002 \(c. 30\)](#), ss. 55(4), 108(2); [S.I. 2002/2306, art. 4\(d\)](#); [S.I. 2003/808, art. 2\(e\)](#)
- F77** Words in s. 11(3) substituted (30.3.2004) by [Railways and Transport Safety Act 2003 \(c. 30\)](#), ss. 107, 120, [Sch. 7 para. 5\(b\)](#); [S.I. 2004/827, art. 3](#)
- F78** S. 11(4) substituted (1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), ss. 55(5), 108(2); [S.I. 2003/808, art. 2\(e\)](#)
- F79** Words in s. 11(4) omitted (10.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 11 para. 9](#); [S.I. 2015/994, art. 4](#)

Modifications etc. (not altering text)

- C2** Ss. 4-11 applied (with modifications) (5.8.2011) by [The Road Traffic \(Drink and Drugs\) \(Cambridgeshire Guided Busway\) Regulations 2011 \(S.I. 2011/1652\)](#), [regs. 1, 3](#)
- C14** S. 11 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [ss. 83\(1\)\(3\)](#), [96\(1\)\(3\)](#), 120 (with ss. 90, 100); [S.I. 2004/827, arts. 2, 3](#)
- C15** S. 11(2): definition of "the prescribed limit" modified (S.) (5.12.2014) by virtue of [The Road Traffic Act 1988 \(Prescribed Limit\) \(Scotland\) Regulations 2014 \(S.I. 2014/328\)](#), [regs. 1, 2](#)

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^{F80}Motor racing on public ways]

Textual Amendments

F80 S. 12 cross-heading substituted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 75(2)**, 115(7); S.I. 2017/273, art. 2(c)

12 Motor racing on public ways.

(1) A person who promotes or takes part in a race or trial of speed between motor vehicles on a public way is guilty of an offence.

^{F81}(1A) Subsection (1) is subject to—

- (a) in relation to England and Wales, sections 12A to 12F (which make provision to allow the holding of races or trials of speed between motor vehicles on public ways in England and Wales);
- (b) in relation to Scotland, sections 12G to 12I (which make provision to allow the holding of races or trials of speed between motor vehicles on public ways in Scotland).]

(2) In this section “public way” means, in England and Wales, a ^{F82}highway] and, in Scotland, a public road.

Textual Amendments

F81 S. 12(1A) inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 73(2)**, 115(7); S.I. 2017/273, art. 2(a)

F82 Word in s. 12(2) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4 para. 45**; S.I. 1992/1286, art. 2, Sch.

^{F83}12A Motor race orders: England and Wales: overview

(1) Sections 12A to 12F allow highway authorities to make orders relating to the holding of a race or trial of speed between motor vehicles on a highway in England and Wales (“motor race orders”).

(2) A motor race order is made on the application of the person promoting the event, with the permission of a motor sport governing body (see sections 12B to 12D).

(3) The effect of a motor race order is set out in section 12E.

Textual Amendments

F83 Ss. 12A-12I inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 73(3)**, 115(7); S.I. 2017/273, art. 2(a)

12B Permission to apply for motor race order

(1) A person who wishes to promote a race or trial of speed between motor vehicles on a highway in England and Wales may apply for a permit to a motor sport governing

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body authorised by regulations made by the appropriate national authority to issue permits in respect of a race or trial of speed of that kind.

- (2) Before issuing a permit, the motor sport governing body must consult—
 - (a) the highway authority for each area in which the event is to take place or which is otherwise likely to be significantly affected by the event,
 - (b) the local authority for each such area,
 - (c) the police authority for each such area,
 - (d) in the case of an event that is to take place in Greater London, the Greater London Authority,
 - (e) each person who has given the motor sport governing body written notice within the previous 12 months that the person wishes to be consulted about applications under this section, and
 - (f) such other persons as the motor sport governing body thinks appropriate.
- (3) The motor sport governing body must issue the permit if satisfied that—
 - (a) the applicant intends to promote the proposed event,
 - (b) the applicant has the necessary financial and other resources to make appropriate arrangements for the event,
 - (c) the applicant has arranged or will arrange appropriate insurance cover in connection with the event, in accordance with guidance issued by the motor sport governing body, and
 - (d) the application includes all necessary details of the safety and other arrangements proposed for the event.
- (4) A permit must specify—
 - (a) any route to be followed in the course of the event;
 - (b) arrangements for the approval by the motor sport governing body of drivers participating in the event;
 - (c) arrangements for the approval by the motor sport governing body of vehicles to be used in the course of the event;
 - (d) arrangements made or to be made for insurance in connection with the event.
- (5) A permit may set out conditions that the motor sport governing body thinks should be included in any motor race order made in relation to the event.
- (6) The appropriate national authority must by regulations list motor sport governing bodies that are authorised to issue permits for the purposes of this section.
- (7) The regulations may specify the kinds of races or trials of speed between motor vehicles on a highway in respect of which each listed governing body may issue permits.
- (8) The regulations may provide that a listed motor sport governing body ceases to be authorised to issue permits if the rules of the governing body—
 - (a) include provision of a kind specified in the regulations;
 - (b) do not include provision of a kind so specified.
- (9) In this section—

“the appropriate national authority” means—

 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;

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“local authority” means —

- (a) a county or district council in England;
- (b) a parish council in England;
- (c) a London borough council;
- (d) the Common Council of the City of London in its capacity as a local authority;
- (e) the Council of the Isles of Scilly;
- (f) a county or county borough council in Wales.

Textual Amendments

F83 Ss. 12A-12I inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 73(3)**, 115(7); S.I. 2017/273, art. 2(a)

12C Application for motor race order

- (1) A motor race order may only be made on an application under this section.
- (2) An application may be made only by a person who—
 - (a) wishes to promote a race or trial of speed between motor vehicles on a highway in England and Wales, and
 - (b) has a permit issued in accordance with section 12B in relation to the event.
- (3) The application must be made to the highway authority for the area in which the event is to take place (and, where the event is to take place in the area of more than one highway authority, separate applications must be made under this section to each authority).
- (4) The application must be made not less than 6 months before the event.
- (5) The application must be accompanied by—
 - (a) the permit issued in accordance with section 12B;
 - (b) details of any orders under section 16A of the Road Traffic Regulation Act 1984 (prohibition or restriction on roads in connection with certain events), and of any other orders, regulations or other legislative instruments, that will be needed in connection with the event;
 - (c) a risk assessment in such form as the highway authority may specify;
 - (d) such fee as the highway authority may specify.

Textual Amendments

F83 Ss. 12A-12I inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 73(3)**, 115(7); S.I. 2017/273, art. 2(a)

12D Determination of applications for motor race orders

- (1) Before determining whether to make a motor race order, a highway authority must consider—
 - (a) the likely impact of the event on the local community,

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- (b) the potential local economic and other benefits (in respect of tourism or otherwise), and
 - (c) any other local considerations that the authority thinks relevant.
- (2) The highway authority may make the motor race order if satisfied that—
- (a) adequate arrangements have been made to allow the views of the local community to be taken into account,
 - (b) the person proposing to promote the event has shown that the event is commercially viable, and
 - (c) effective arrangements have been made to involve local residents, the police and other emergency services in the planning and implementation of the event.
- (3) A motor race order must—
- (a) specify the event to which it relates, including the date or (in the case of an event that is to take place on more than one day) the dates on which it is to take place,
 - (b) include a map of the area to be used for the event (showing, in particular, the roads which participants will use, and areas which will be available for occupation by spectators), and
 - (c) include any other information specified by the appropriate national authority by regulations.
- (4) A motor race order may include conditions which must be satisfied before, during or after the event.
- (5) A motor race order may, in particular, include conditions designed to ensure that the arrangements mentioned in subsection (2)(c) continue throughout the planning and implementation of the event.
- (6) In this section, “the appropriate national authority” means—
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers.

Textual Amendments

F83 Ss. 12A-12I inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 73(3)**, 115(7); S.I. 2017/273, art. 2(a)

12E Effect of motor race order

- (1) A motor race order made under section 12D has the effect described in this section.
- (2) Section 12(1) does not apply to the promoter of the event if that person—
- (a) promotes the event in accordance with any conditions imposed on the promoter by the motor race order, and
 - (b) takes reasonable steps to ensure that any other conditions specified in the motor race order are met.
- (3) The provisions listed in the Table do not apply in relation to a participant or an official or (as the case may be) in relation to a vehicle used by a participant or an official provided that—

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- (a) the participant has been approved by the motor sport governing body that issued a permit in respect of the event or (as the case may be) the official has been authorised by the promoter,
- (b) the participant or official complies with any conditions specified in the motor race order that apply to participants or (as the case may be) officials, and
- (c) the participant or official also complies with any conditions imposed on him or her by the promoter.

Provision	Topic
Road Traffic Regulation Act 1984	
Section 18(3)	Contravention of order relating to one-way traffic on trunk roads
Section 20(5)	Contravention of order relating to use on roads of vehicles of certain classes
Section 81(1), an order under section 84(1), section 86(1), an order under section 88(1) and section 89(1)	Speed limits
Regulations under section 99	Removal of vehicles illegally parked etc
Section 104(1)	Immobilisation of vehicles illegally parked
Road Traffic Act 1988	
Section 1	Causing death by dangerous driving
Section 1A	Causing serious injury by dangerous driving
Section 2	Dangerous driving
Section 2B	Causing death by careless, or inconsiderate, driving
Section 3	Careless, and inconsiderate, driving
Section 3ZB	Causing death by driving: unlicensed, disqualified or uninsured drivers
Section 12(1)	Motor racing on public ways
Section 21(1)	Prohibition of driving or parking on cycle tracks
Section 22	Leaving vehicles in dangerous positions
Section 22A	Causing danger to road-users
Section 36(1)	Drivers to comply with traffic signs
The Highway Code, as it has effect under section 38	
Section 40A	Using vehicle in dangerous condition etc
Regulations under section 41	Regulation of construction, weight, equipment and use of vehicles

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Section 41A	Breach of requirement as to brakes, steering-gear or tyres
Section 41C	Breach of requirement as to speed assessment equipment detection devices
Section 42	Breach of other construction and use requirements
Section 47(1)	Obligatory test certificates
Section 87(1)	Drivers of motor vehicles to have driving licences
Section 103(1)(b)	Driving while disqualified
Section 143(1) and (2)	Users of motor vehicles to be insured ^{F84} ...
Sections 164 and 165	Powers of constables to require production of driving licence, obtain information etc
Section 165A	Power to seize vehicles driven without licence or insurance
Section 170	Duty of driver to stop, report accident and give information or documents
Vehicle Excise and Registration Act 1994	
Section 1(1)(b)	Circumstances in which vehicle excise duty is chargeable on unregistered mechanically propelled vehicles
Section 29(1)	Offence of using or keeping an unlicensed vehicle

-
- (4) The appropriate national authority may by regulations amend this section so as to—
- add or omit an entry in the Table in subsection (3);
 - provide that subsection (3) applies in relation to a provision for the time being included in the Table only for purposes specified in the regulations;
 - provide that subsection (3) applies in relation to a provision for the time being included in the Table only if a condition specified in the regulations is included in the motor race order.
- (5) However, regulations under subsection (4) may not add any provision of sections 3A to 11 of this Act (motor vehicles: drink and drugs) to the Table in subsection (3).
- (6) The promoter of an event in respect of which a motor race order has been made is liable in damages if personal injury or damage to property is caused by anything done—
- by or on behalf of the promoter in connection with the event, or
 - by or on behalf of a participant or an official,
- unless it is proved that the promoter took reasonable steps to prevent the injury or damage occurring.
- (7) For the purposes of the Law Reform (Contributory Negligence) Act 1945, the Fatal Accidents Act 1976 and the Limitation Act 1980 any injury or damage for which a person is liable under subsection (6) is to be treated as due to the fault of that person.

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(8) In this section—

“the appropriate national authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;

“official” means a person who facilitates the holding of a race or trial of speed.

Textual Amendments

F83 Ss. 12A-12I inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 73(3)**, 115(7); S.I. 2017/273, art. 2(a)

F84 Words in s. 12E(3) Table omitted (1.11.2019) by virtue of [The Motor Vehicles \(Compulsory Insurance\) \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1047\)](#), reg. 1, **Sch. 1 para. 3** (with reg. 5)

12F Regulations by appropriate national authority: procedure

- (1) A power to make regulations conferred on the Secretary of State or the Welsh Ministers by section 12B(6), 12D(3)(c) or 12E(4) is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations made by the Secretary of State under section 12E(4) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) A statutory instrument containing regulations made by the Secretary of State under section 12B(6) or 12D(3)(c) (other than regulations to which subsection (2) applies) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing regulations made by the Welsh Ministers under section 12E(4) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (5) A statutory instrument containing regulations made by the Welsh Ministers under section 12B(6) or 12D(3)(c) (other than regulations to which subsection (4) applies) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Textual Amendments

F83 Ss. 12A-12I inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 73(3)**, 115(7); S.I. 2017/273, art. 2(a)

12G Authorisation of races and trials of speed in Scotland

- (1) The Scottish Ministers may by regulations authorise, or make provision for authorising, the holding of races or trials of speed on public roads in Scotland.
- (2) Regulations under this section may in particular—
 - (a) specify the persons by whom authorisations may be given;
 - (b) limit the circumstances in which, and the places in respect of which, authorisations may be given;

Status: Point in time view as at 01/11/2019.

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- (c) provide for authorisations to be subject to conditions imposed by or under the regulations;
 - (d) provide for authorisations to cease to have effect in circumstances specified in the regulations;
 - (e) provide for the procedure to be followed, the particulars to be given, and the amount (or the persons who are to determine the amount) of any fees to be paid, in connection with applications for authorisations.
- (3) Regulations under this section may make different provision for different cases.

Textual Amendments

F83 Ss. 12A-12I inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 73(3), 115(7)**; [S.I. 2017/273](#), [art. 2\(a\)](#)

12H Races and trials of speed in Scotland: further provision

- (1) Section 12(1) does not apply to the promoter of an event that has been authorised by or under regulations under section 12G if that person—
- (a) promotes the event in accordance with any conditions imposed on the promoter by or under the regulations, and
 - (b) takes reasonable steps to ensure that any other conditions imposed by or under the regulations are met.
- (2) Section 12(1) does not apply to a participant in an event that has been authorised by or under regulations under section 12G, provided that the participant complies with any conditions imposed on participants by or under the regulations.
- (3) Sections 1, 1A, 2, 2B and 3 do not apply to a participant in an event that has been authorised by or under regulations under section 12G or to any other person of a description specified in regulations made by the Scottish Ministers, provided that the participant or other person complies with any conditions imposed on participants or on persons of that description by or under regulations under section 12G.
- (4) The Scottish Ministers may by regulations make provision for specified provisions of legislation of a kind mentioned in subsection (5)—
- (a) not to apply in relation to participants in events authorised by or under regulations under section 12G or (as appropriate) in relation to vehicles used by such persons;
 - (b) to apply in relation to such persons or vehicles subject to modifications specified in the regulations;
 - (c) not to apply in relation to persons of a description specified in regulations under this subsection or (as appropriate) in relation to vehicles used by such persons;
 - (d) to apply in relation to such persons or vehicles subject to modifications specified in the regulations.
- (5) The kinds of legislation are—
- (a) legislation restricting the speed of vehicles or otherwise regulating the use of vehicles on a public road;
 - (b) legislation regulating the construction, maintenance or lighting of vehicles;

Status: Point in time view as at 01/11/2019.

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- (c) legislation requiring a policy of insurance ^{F85}... to be in force in relation to the use of any vehicle;
 - (d) legislation relating to the duty chargeable on, or the licensing and registration of, vehicles;
 - (e) legislation requiring the driver of a vehicle to hold a licence to drive it;
 - (f) legislation relating to the enforcement of any legislation mentioned in paragraphs (a) to (e).
- (6) However, regulations under subsection (4) may not disapply, or otherwise alter the application of, sections 3A to 11 of this Act (motor vehicles: drink and drugs).
- (7) The Scottish Ministers may by regulations amend section 16A of the Road Traffic Regulation Act 1984 so as to enable orders under that section that are made for the purposes of an event authorised by or under regulations under section 12G to suspend statutory provisions in addition to those specified in section 16A(11).
- (8) The promoter of an event that has been authorised by or under regulations under section 12G is liable in damages if personal injury or damage to property is caused by anything done—
- (a) by or on behalf of the promoter in connection with the event,
 - (b) by or on behalf of a participant, or
 - (c) by or on behalf of a person of a description specified in regulations made by the Scottish Ministers,
- unless it is proved that the promoter took reasonable steps to prevent the injury or damage occurring.
- (9) For the purposes of the Law Reform (Contributory Negligence) Act 1945, any injury or damage for which a person is liable under subsection (8) is to be treated as due to the fault of that person.
- (10) In this section, “legislation” means—
- (a) an Act or subordinate legislation (within the meaning of the Interpretation Act 1978);
 - (b) an Act of the Scottish Parliament or an instrument made under an Act of the Scottish Parliament.

Textual Amendments

F83 Ss. 12A-12I inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 73(3)**, 115(7); S.I. 2017/273, art. 2(a)

F85 Words in s. 12H(5)(c) omitted (1.11.2019) by virtue of [The Motor Vehicles \(Compulsory Insurance\) \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1047\)](#), reg. 1, **Sch. 1 para. 4** (with reg. 5)

12I Regulations under section 12G or 12H: procedure

- (1) Before making regulations under section 12H(3), (4), (7) or (8), the Scottish Ministers must consult such persons as they consider appropriate.
- (2) Regulations under section 12G are subject to the negative procedure.
- (3) Regulations under section 12H(3), (4), (7) or (8) are subject to the affirmative procedure.]

Status: Point in time view as at 01/11/2019.

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Textual Amendments

F83 Ss. 12A-12I inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 73(3)**, 115(7); S.I. 2017/273, art. 2(a)

[^{F86}Other motor events]

Textual Amendments

F86 S. 13 cross-heading inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 75(3)**, 115(7); S.I. 2017/273, art. 2(c)

13 Regulation of motoring events on public ways.

- (1) A person who promotes or takes part in a competition or trial (other than a race or trial of speed) involving the use of motor vehicles on a public way is guilty of an offence unless the competition or trial—
 - (a) is authorised, and
 - (b) is conducted in accordance with any conditions imposed, by or under regulations under this section.
- (2) The Secretary of State may by regulations authorise, or provide for authorising, the holding of competitions or trials (other than races or trials of speed) involving the use of motor vehicles on public ways either—
 - (a) generally, or
 - (b) as regards any area, or as regards any class or description of competition or trial or any particular competition or trial,subject to such conditions, including conditions requiring the payment of fees, as may be imposed by or under the regulations.
- (3) Regulations under this section may—
 - (a) prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations, and
 - (b) make different provision for different classes or descriptions of competition or trial.
- (4) In this section “public way” means, in England and Wales, a [^{F87}highway] and, in Scotland, a public road.

Textual Amendments

F87 Word in s. 13(4) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4 para. 46**; S.I. 1992/1286, art. 2, Sch.

Modifications etc. (not altering text)

C16 S. 13(2): transfer of functions (1.7.1999) by S.I. 1999/672, arts. 1, 2, **Sch. 1**
S. 13(2): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, art. 3

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[^{F88}13A Disapplication of sections 1 to 3 for authorised motoring events.

- (1) A person shall not be guilty of an offence under sections 1, [^{F89}1A,] 2[^{F90}, 2B] or 3 of this Act by virtue of driving a vehicle in a public place other than a road if he shows that he was driving in accordance with an authorisation for a motoring event given under regulations made by the Secretary of State.
- (2) Regulations under this section may in particular—
 - (a) prescribe the persons by whom, and limit the circumstances in which and the places in respect of which, authorisations may be given under the regulations;
 - (b) specify conditions which must be included among those incorporated in authorisations;
 - (c) provide for authorisations to cease to have effect in prescribed circumstances;
 - (d) provide for the procedure to be followed, the particulars to be given, and the amount (or the persons who are to determine the amount) of any fees to be paid, in connection with applications for authorisations;
 - (e) make different provisions for different cases.]

Textual Amendments

- F88** S. 13A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s.5; S.I. 1992/1286, art. 2, Sch.
- F89** Word in s. 13A(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 27 para. 1; S.I. 2012/2770, art. 2(g)
- F90** Word in s. 13A(1) inserted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(o), Sch. 10 para. 24

Modifications etc. (not altering text)

- C17** S. 13A: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, Sch. 1 (with art. 7); S.I. 1999/3178, art. 3
- S. 13A: transfer of functions (1.7.1999) by S.I. 1999/672, arts. 1, 2, Sch. 1

Protective measures: seat belts, helmets, etc.

14 Seat belts: adults.

- (1) The Secretary of State may make regulations requiring, subject to such exceptions as may be prescribed, persons who are driving or riding in motor vehicles on a road to wear seat belts of such description as may be prescribed.
- (2) Regulations under this section—
 - (a) may make different provision in relation to different classes of vehicles, different descriptions of persons and different circumstances,
 - [^{F91}(aa) may, for the purpose of implementing the seat belt Directive, authorise the wearing of a seat belt approved under the law of a member State other than the United Kingdom,]
 - (b) shall include exceptions for—
 - [^{F92}(i) the driver of or a passenger in a motor vehicle constructed or adapted for carrying goods, while on a journey which does not exceed the prescribed distance and which is undertaken for the purpose of delivering or collecting any thing,]

Status: Point in time view as at 01/11/2019.

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- (ii) the drivers of vehicles while performing a manoeuvre which includes reversing,
 - (iii) any person holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt,
- [^{F93}(b)] shall, for the purpose of implementing the seat belt Directive, include an exception for any person holding a certificate to the like effect as that mentioned in paragraph (b)(iii) above which was issued in a member State other than the United Kingdom and which, under the law of that State, is valid for purposes corresponding to those of this section,]
 - (c) may make any prescribed exceptions subject to such conditions as may be prescribed, and
 - (d) may prescribe cases in which a fee of a prescribed amount may be charged on an application for any certificate required as a condition of any prescribed exception.
- (3) A person who drives or rides in a motor vehicle in contravention of regulations under this section is guilty of an offence; but, notwithstanding any enactment or rule of law, no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention.
- (4) If the holder of any such certificate as is referred to in subsection (2)(b) [^{F94}or (bb)] above is informed by a constable that he may be prosecuted for an offence under subsection (3) above, he is not in proceedings for that offence entitled to rely on the exception afforded to him by the certificate unless—
 - (a) it is produced to the constable at the time he is so informed, or
 - (b) it is produced—
 - (i) within seven days after the date on which he is so informed, or
 - (ii) as soon as is reasonably practicable,at such police station as he may have specified to the constable, or
 - (c) where it is not produced at such police station, it is not reasonably practicable for it to be produced there before the day on which the proceedings are commenced.
- (5) For the purposes of subsection (4) above, the laying of the information or, in Scotland, the service of the complaint on the accused shall be treated as the commencement of the proceedings.
- (6) Regulations under this section requiring the wearing of seat belts by persons riding in motor vehicles shall not apply to children under the age of fourteen years.
- [^{F95}(7) In this section, “the seat belt Directive” means the ^{M1}Directive of the Council of the [^{F96}European Union], dated 16th December 1991, (No.91/671/EEC) on the approximation of the laws of the member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes.]

Subordinate Legislation Made

P1 S. 14(1)(2) power exercised by [S.I. 1991/1255](#)

Textual Amendments

F91 S. 14(2)(aa) inserted (2.2.1993) by [S.I. 1992/3105](#), [reg. 2\(2\)\(a\)](#).

Status: Point in time view as at 01/11/2019.

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- F92** S. 14(2)(b)(i) substituted (1.3.2005) by Railways and Transport Safety Act 2003 (c. 20), ss. 110, 120; S.I. 2004/2759, art. 2(2)
- F93** S. 14(2)(bb) inserted (2.2.1993) by S.I. 1992/3105, reg. 2(2)(b).
- F94** Words in s. 14(4) inserted (2.2.1993) by S.I. 1992/3105, reg. 2(3).
- F95** S.14(7) inserted (2.2.1993) by S.I. 1992/3105, reg. 2(4).
- F96** Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 4 (with arts. 3(2)(3), 4(2), 6(4)(5))

Marginal Citations

- M1** O.J. No. L373, 31.12.91, p26.

15 Restriction on carrying children not wearing seat belts in motor vehicles.

- (1) Except as provided by regulations, where a child under the age of fourteen years is in the front of a motor vehicle, a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.

[^{F97}(1A) Where—

- (a) a child is in the front of a motor vehicle other than a bus,
- (b) the child is in a rear-facing child restraining device, and
- (c) the passenger seat where the child is placed is protected by a front air bag,

a person must not without reasonable excuse drive the vehicle on a road unless the air bag is deactivated.]

- (2) It is an offence for a person to drive a motor vehicle in contravention of subsection (1) [^{F98}or (1A)] above.

[^{F99}(3) Except as provided by regulations, where—

- (a) a child under the age of three years is in the rear of a motor vehicle, or
- (b) a child of or over that age but under the age of fourteen years is in the rear of a motor vehicle and any seat belt is fitted in the rear of that vehicle,

a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.]

[^{F100}(3A) Except as provided by regulations, where—

- (a) a child who is under the age of 12 years and less than 150 centimetres in height is in the rear of a passenger car,
- (b) no seat belt is fitted in the rear of the passenger car, and
- (c) a seat in the front of the passenger car is provided with a seat belt but is not occupied by any person,

a person must not without reasonable excuse drive the passenger car on a road.]

- (4) It is an offence for a person to drive a motor vehicle in contravention of subsection (3) [^{F101}or (3A)] above.

(5) Provision may be made by regulations—

- (a) excepting from the prohibition in subsection (1) [^{F102}, (3) or (3A)] above children of any prescribed description, vehicles of a prescribed class or the driving of vehicles in such circumstances as may be prescribed,
- (b) defining in relation to any class of vehicle what part of the vehicle is to be regarded as the front of the vehicle for the purposes of subsection (1) [^{F103}or

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- (3A)] above or as the rear of the vehicle for the purposes of subsection (3) [F103 or (3A)] above,
- (c) prescribing for the purposes of subsection (1) or (3) above the descriptions of seat belt to be worn by children of any prescribed description and the manner in which such seat belt is to be fixed and used.
- [F104(5A) Without prejudice to the generality of subsection (5) above, regulations made by virtue of paragraph (c) of that subsection may, for the purpose of implementing the seat belt Directive,—
- (a) make different provision in relation to different vehicles and different circumstances,
- (b) authorise the wearing of a seat belt approved under the law of any member State other than the United Kingdom.]
- [F105(6) Regulations made for the purposes of subsection (3) or (3A) above—
- (a) shall include an exemption for any child holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt, and
- (b) shall, for the purpose of implementing the seat belt Directive, include an exemption for any child holding a certificate to the like effect which was issued in any member State other than the United Kingdom and which, under the law of that State, is valid for purposes corresponding to those of this section,
- but such regulations may, for the purpose of implementing that Directive, make either of those exemptions subject to such conditions as may be prescribed.]
- (7) If the driver of a motor vehicle is informed by a constable that he may be prosecuted for an offence under subsection (4) above, he is not in proceedings for that offence entitled to rely on an exception afforded to a child by a certificate referred to in subsection (6) above unless—
- (a) it is produced to the constable at the time he is so informed, or
- (b) it is produced—
- (i) within seven days after the date on which he is so informed, or
- (ii) as soon as is reasonably practicable,
- at such police station as he may have specified to the constable, or
- (c) where it is not produced at such police station, it is not reasonably practicable for it to be produced there before the day on which the proceedings are commenced.
- (8) For the purposes of subsection (7) above, the laying of the information or, in Scotland, the service of the complaint on the accused shall be treated as the commencement of the proceedings.
- (9) In this section—
- [F106“bus” means a motor vehicle that—
- (a) has at least four wheels,
- (b) is constructed or adapted for the carriage of passengers,
- (c) has more than eight seats in addition to the driver's seat, and
- (d) has a maximum design speed exceeding 25 kilometres per hour;]
- [F107“maximum laden weight” has the meaning given by Part IV of Schedule 6 to the M2 Road Traffic Regulation Act 1984;

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“passenger car” means a motor vehicle which—

- (a) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,
- (b) has no more than eight seats in addition to the driver’s seat,
- (c) has four or more wheels,
- (d) has a maximum design speed exceeding 25 kilometres per hour, and
- (e) has a maximum laden weight not exceeding 3.5 tonnes.]

“regulations” means regulations made by the Secretary of State under this section,^{F108} . . .

“seat belt” includes any description of restraining device for a child and any reference to wearing a seat belt is to be construed accordingly.

[^{F107}“the seat belt Directive” has the same meaning as in section 14.]

[^{F109}(9A) The reference in subsection (1) above to the air bag being deactivated includes a reference to the case where the air bag is designed or adapted in such a way that it cannot inflate enough to pose a risk of injury to a child travelling in a rear-facing child restraining device in the seat in question.]

^{F110}(10)

Textual Amendments

- F97** S. 15(1A) inserted (18.9.2006) by [The Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) Regulations 2006 \(S.I. 2006/1892\)](#), **reg. 3(1)**
- F98** Words in s. 15(2) inserted (18.9.2006) by [The Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) Regulations 2006 \(S.I. 2006/1892\)](#), **reg. 3(2)**
- F99** S. 15(3) substituted (18.9.2006) by [The Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) Regulations 2006 \(S.I. 2006/1892\)](#), **reg. 3(3)**
- F100** S. 15(3A) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(2)**.
- F101** Words in s. 15(4) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(3)**.
- F102** Words in s. 15(5)(a) substituted (2.2.1993) by S.I. 1992/3105, **reg. 3(4)(a)**.
- F103** Words in s. 15(5)(b) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(4)(b)**.
- F104** S. 15(5A) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(5)**.
- F105** S. 15(6) substituted (2.2.1993) by S.I. 1992/3105, **reg. 3(6)**.
- F106** In s. 15(9) definition of "bus" inserted (18.9.2006) by [The Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) Regulations 2006 \(S.I. 2006/1892\)](#), **reg. 3(4)**
- F107** Definitions in s. 15(9) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(7)(a)(b)**.
- F108** Word in s. 15(9) omitted (2.2.1993) by virtue of S.I. 1992/3105, **reg. 3(7)(b)**.
- F109** S. 15(9A) inserted (18.9.2006) by [The Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) Regulations 2006 \(S.I. 2006/1892\)](#), **reg. 3(5)**
- F110** S. 15(10) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)

- C18** S. 15(1) restricted (2.2.1993) by S.I. 1993/31, **regs. 6, 7(1)-(3)** (as amended (18.9.2006) by [The Motor Vehicles \(Wearing of Seat Belts by Children in Front Seats\) \(Amendment\) Regulations 2006 \(S.I. 2006/2213\)](#), **reg. 6**)

Marginal Citations

- M2** 1984 c. 27.

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[^{F111}15A Safety equipment for children in motor vehicles.

- (1) The Secretary of State may make regulations prescribing (by reference to shape, construction or any other quality) types of equipment of any description to which this section applies that are recommended as conducive to the safety in the event of accident of prescribed classes of children in prescribed classes of motor vehicles.
- (2) Regulations under this section may make provision for securing that when equipment of a type prescribed by the regulations is sold or offered for sale as equipment which is so conducive—
 - (a) appropriate information is provided in relation to it in such manner as may be prescribed, and
 - (b) inappropriate information is not provided in relation to it.
- (3) Except in such circumstances as may be prescribed, if a person sells, or offers for sale, equipment of any description for which a type is prescribed under this section as equipment which is so conducive and that equipment—
 - (a) is not of a type so prescribed, or
 - (b) is sold or offered for sale in contravention of regulations under this section,he is, subject to subsection (5) below, guilty of an offence.
- (4) Except in such circumstances as may be prescribed, if a person sells, or offers for sale, equipment of any description for which a type is prescribed under this section as equipment conducive to the safety in the event of accident—
 - (a) of children not of a class prescribed in relation to equipment of that type, or
 - (b) of children in motor vehicles not of a class prescribed in relation to equipment of that type,he is, subject to subsection (5) below, guilty of an offence.
- (5) A person shall not be convicted of an offence under this section in respect of the sale or offer for sale of equipment if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.
- (6) The provisions of Schedule 1 to this Act shall have effect in relation to contraventions of this section.
- (7) Regulations under this section may make different provision in relation to different circumstances.
- (8) This section applies to equipment of any description for use in a motor vehicle consisting of—
 - (a) a restraining device for a child or for a carry-cot, or
 - (b) equipment designed for use by a child in conjunction with any description of restraining device.
- (9) References in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.]

Textual Amendments

F111 S. 15A inserted by [Motor Vehicles \(Safety Equipment for Children\) Act 1991 \(c. 14, SIF 107:1\)](#), s. 1

Status: Point in time view as at 01/11/2019.

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[^{F112}15B Requirement to notify bus passengers to wear seat belts

- (1) Subject to subsection (6) below, the operator of a bus in which any of the passenger seats are equipped with seat belts shall take all reasonable steps to ensure that every passenger is notified that he is required to wear a seat belt at all times when—
 - (a) he is in a seat equipped with a seat belt, and
 - (b) the bus is in motion.
- (2) For the purposes of subsection (1) above, a passenger may be notified only by one or more of the following means—
 - (a) an official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of his doing so;
 - (b) a sign prominently displayed at each passenger seat equipped with a seat belt.

In paragraph (a) above, “official announcement” means an announcement by the driver of the bus, by a conductor or courier or by a person who is a group leader in relation to any group of persons who are passengers on the bus.

- (3) For the purposes of subsection (2)(b) above, a sign that takes the form of a pictorial symbol must be in the form shown in Schedule 2A, depicting a white figure on a blue background.
- (4) An operator who fails to comply with subsection (1) above is guilty of an offence.
- (5) Where an offence under subsection (4) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such a capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (6) Subsection (1) above does not apply in relation to a bus—
 - (a) which is being used to provide a local service (within the meaning of the Transport Act 1985 ^{F113}) in a built-up area, or
 - (b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing.

For the purposes of paragraph (a) above, a local service is provided in a built-up area if the entire route used by that service consists of restricted roads.

- (7) In this section—
 - “bus” has the same meaning as in section 15;
 - “operator”, in relation to a bus, means—
 - (a) the owner of the bus, or
 - (b) if the bus is in the possession of any other person under an agreement for hire, hire-purchase, conditional sale, loan or otherwise, that person;
 - “passenger seat”, in relation to a bus, means any seat other than the driver’s seat;
 - “restricted road” means a road that is restricted for the purposes of section 81 of the Road Traffic Regulation Act 1984 ^{F114} (ignoring any direction under section 82(2)(b) of that Act) or would be so restricted but for a direction under section 82(2)(a) or an order under section 84(1) of that Act.]

Status: Point in time view as at 01/11/2019.

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Textual Amendments

- F112** S. 15B inserted (18.9.2006) by [The Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) Regulations 2006 \(S.I. 2006/1892\)](#), **reg. 4**
- F113** 1985 c. 67. A “local service” is defined in section 2 of that Act.
- F114** 1984 c. 27.

16 Wearing of protective headgear.

- (1) The Secretary of State may make regulations requiring, subject to such exceptions as may be specified in the regulations, persons driving or riding (otherwise than in side-cars) on motor cycles of any class specified in the regulations to wear protective headgear of such description as may be so specified.
- (2) A requirement imposed by regulations under this section shall not apply to any follower of the Sikh religion while he is wearing a turban.
- (3) Regulations under this section may make different provision in relation to different circumstances.
- (4) A person who drives or rides on a motor cycle in contravention of regulations under this section is guilty of an offence; but notwithstanding any enactment or rule of law no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention unless the person actually committing the contravention is a child under the age of sixteen years.

17 Protective helmets for motor cyclists.

- (1) The Secretary of State may make regulations prescribing (by reference to shape, construction or any other quality) types of helmet recommended as affording protection to persons on or in motor cycles, or motor cycles of different classes, from injury in the event of accident.
- (2) If a person sells, or offers for sale, a helmet as a helmet for affording such protection and the helmet is neither—
 - (a) of a type prescribed under this section, nor
 - (b) of a type authorised under regulations made under this section and sold or offered for sale subject to any conditions specified in the authorisationsubject to subsection (3) below, he is guilty of an offence.
- (3) A person shall not be convicted of an offence under this section in respect of the sale or offer for sale of a helmet if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.
- (4) The provisions of Schedule 1 to this Act shall have effect in relation to contraventions of this section.
- (5) In this section and that Schedule “helmet” includes any head-dress, and references in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

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18 Authorisation of head-worn appliances for use on motor cycles.

- (1) The Secretary of State may make regulations prescribing (by reference to shape, construction or any other quality) types of appliance of any description to which this section applies as authorised for use by persons driving or riding (otherwise than in sidecars) on motor cycles of any class specified in the regulations.
- (2) Regulations under this section—
 - (a) may impose restrictions or requirements with respect to the circumstances in which appliances of any type prescribed by the regulations may be used, and
 - (b) may make different provision in relation to different circumstances.
- (3) If a person driving or riding on a motor cycle on a road uses an appliance of any description for which a type is prescribed under this section and that appliance—
 - (a) is not of a type so prescribed, or
 - (b) is otherwise used in contravention of regulations under this section,he is guilty of an offence.
- (4) If a person sells, or offers for sale, an appliance of any such description as authorised for use by persons on or in motor cycles, or motor cycles of any class, and that appliance is not of a type prescribed under this section as authorised for such use, he is, subject to subsection (5) below, guilty of an offence.
- (5) A person shall not be convicted of an offence under this section in respect of the sale or offer for sale of an appliance if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.
- (6) The provisions of Schedule 1 to this Act shall have effect in relation to contraventions of subsection (4) above.
- (7) This section applies to appliances of any description designed or adapted for use—
 - (a) with any headgear, or
 - (b) by being attached to or placed upon the head,(as, for example, eye protectors or earphones).
- (8) References in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

Stopping on verges, etc., or in dangerous positions, etc.

19 Prohibition of parking of HGVs on verges, central reservations and footways.

- (1) Subject to subsection (2) below, a person who parks a heavy commercial vehicle (as defined in section 20 of this Act) wholly or partly—
 - (a) on the verge of a road, or
 - (b) on any land situated between two carriageways and which is not a footway, or
 - (c) on a footway,is guilty of an offence.
- (2) A person shall not be convicted of an offence under this section in respect of a vehicle if he proves to the satisfaction of the court—
 - (a) that it was parked in accordance with permission given by a constable in uniform, or

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- (b) that it was parked in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency, or
 - (c) that it was parked in contravention of this section but the conditions specified in subsection (3) below were satisfied.
- (3) The conditions mentioned in subsection (2)(c) above are—
- (a) that the vehicle was parked on the verge of a road or on a footway for the purpose of loading or unloading, and
 - (b) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footway or verge, and
 - (c) that the vehicle was not left unattended at any time while it was so parked.
- (4) In this section “carriageway” and “footway”, in relation to England and Wales, have the same meanings as in the ^{M3}Highways Act 1980.

Modifications etc. (not altering text)

C19 S. 19 excluded (temp.) (E.W.) (1.10.1991) and (S.) (16.6.1997) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), ss. 43, 76(3)(e), 84, [Sch. 3 para. 2\(4\)\(d\)](#); S.I. 1991/2054, art. 3, [Sch.](#); S.I. 1997/1580, [art. 2](#)

Marginal Citations

M3 1980 c. 66.

F115 19A

Textual Amendments

F115 S. 19A (which was inserted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#) ss. 4, 8(3)(b), Sch. 2 Pt. II para. 22(1)) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch.8](#); S.I. 1992/1286, [art. 2](#), Sch.

20 Definition of “heavy commercial vehicle” for the purposes of section 19.

- (1) In section 19 of this Act, “heavy commercial vehicle” means any goods vehicle which has an operating weight exceeding 7.5 tonnes.
- (2) The operating weight of a goods vehicle for the purposes of this section is—
- (a) in the case of a motor vehicle not drawing a trailer or in the case of a trailer, its maximum laden weight,
 - (b) in the case of an articulated vehicle, its maximum laden weight (if it has one) and otherwise the aggregate maximum laden weight of all the individual vehicles forming part of that articulated vehicle, and
 - (c) in the case of a motor vehicle (other than an articulated vehicle) drawing one or more trailers, the aggregate maximum laden weight of the motor vehicle and the trailer or trailers attached to it.
- (3) In this section “articulated vehicle” means a motor vehicle with a trailer so attached to it as to be partially superimposed upon it; and references to the maximum laden weight of a vehicle are references to the total laden weight which must not be exceeded in

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the case of that vehicle if it is to be used in Great Britain without contravening any regulations for the time being in force under section 41 of this Act.

- (4) In this section, and in the definition of “goods vehicle” in section 192 of this Act as it applies for the purposes of this section, “trailer” means any vehicle other than a motor vehicle.
- (5) The [^{F116}national authority] may by regulations amend subsections (1) and (2) above (whether as originally enacted or as previously amended under this subsection)—
- (a) by substituting weights of a different description for any of the weights there mentioned, or
 - (b) in the case of subsection (1) above, by substituting a weight of a different description or amount, or a weight different both in description and amount, for the weight there mentioned.
- (6) Different regulations may be made under subsection (5) above as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects different localities.
- (7) Regulations under subsection (5) above shall not so amend subsection (1) above that there is any case in which a goods vehicle whose operating weight (ascertained in accordance with subsection (2) above as originally enacted) does not exceed 7.5 tonnes is a heavy commercial vehicle for any of the purposes of section 19 of this Act.
- [^{F117}(8) In subsection (5) “national authority”—
- (a) in relation to a function so far as exercisable within devolved competence, within the meaning of the Scotland Act 1998, means the Scottish Ministers;
 - (b) otherwise, means the Secretary of State.
- (9) Before making any regulations under subsection (5) in relation to vehicles used on roads in Scotland, the Secretary of State must consult the Scottish Ministers.]

Textual Amendments

F116 Words in s. 20(5) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), ss. **43(3)**, 72(7)

F117 S. 20(8)(9) added (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), ss. **43(4)**, 72(7)

21 Prohibition of driving or parking on cycle tracks.

- (1) Subject to the provisions of this section, any person who, without lawful authority, drives or parks a [^{F118}mechanically propelled] vehicle wholly or partly on a cycle track is guilty of an offence.
- (2) A person shall not be convicted of an offence under subsection (1) above with respect to a vehicle if he proves to the satisfaction of the court—
- (a) that the vehicle was driven or (as the case may be) parked in contravention of that subsection for the purpose of saving life, or extinguishing fire or meeting any other like emergency, or
 - (b) that the vehicle was owned or operated by a highway authority or by a person discharging functions on behalf of a highway authority and was driven or (as the case may be) parked in contravention of that subsection in connection with the carrying out by or on behalf of that authority of any of the following, that is, the cleansing, maintenance or improvement of, or the maintenance

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or alteration of any structure or other work situated in, the cycle track or its verges [^{F119}, or the preventing or removing of obstructions to the cycle track or the preventing or abating in any other way of nuisances or other interferences with the cycle track,], or

- (c) that the vehicle was owned or operated by statutory undertakers and was driven or (as the case may be) parked in contravention of that subsection in connection with the carrying out by those undertakers of any works in relation to any apparatus belonging to or used by them for the purpose of their undertaking.

(3) In this section—

- (a) “cycle track” and other expressions used in this section and in the ^{M4}Highways Act 1980 have the same meaning as in that Act,

[^{F120}(aa) in subsection (1) “mechanically propelled vehicle” does not include a vehicle falling within paragraph (a), (b) or (c) of section 189(1) of this Act,]

- (b) in subsection (2)(c) above “statutory undertakers” means any body who are statutory undertakers within the meaning of the Highways Act 1980, any sewerage authority within the meaning of that Act or the operator of [^{F121}an electronic communications code network], and in relation to any such sewerage authority “apparatus” includes sewers or sewerage disposal works.

(4) This section does not extend to Scotland.

Textual Amendments

F118 Words in s. 21(1) substituted (30.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 4(1)(2)**

F119 Words in s. 21(2)(b) inserted (1.4.2001 for E. and 1.5.2001 for W.) by 2000 c. 37, **ss. 70(4), 103(3); S.I. 2001/114, art. 2(2)(d); S.I. 2001/1410, art. 2(e)**

F120 S. 21(3)(aa) inserted (30.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 4(3)**

F121 Words in s. 21(3)(b) substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by **Communications Act 2003 (c. 21), ss. 406(1)(6), 408, 411, Sch. 17 para. 95** (with **Sch. 18**); **S.I. 2003/1900, arts. 1(2), 2(1), 3(1), Sch. 1** (with art. 3(2) (as amended (8.12.2003) by **S.I. 2003/3142, art. 1(3)**)); **S.I. 2003/3142, art. 3(2)** (with art. 11)

Modifications etc. (not altering text)

C20 S. 21 excluded (temp.) (1.10.1991) by **Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 43, 76(3)(f), Sch. 3 para. 2(4)(e); S.I. 1991/2054, art. 3, Sch.**

C21 S. 21 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxxvii); S.I. 1996/218, art. 2**

C22 S. 21(1) excluded (17.4.2019) by **The Motor Sport on Public Roads (Scotland) Regulations 2019 (S.S.I. 2019/138), regs. 1, 6, sch. 2**

C23 S. 21(2)(c) extended by **Water Act 1989 (c. 15, SIF 130), s. 190(1), Sch. 25 para. 1(2)(xxx)** (with **ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58**) and by **Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 1(1)(xxxviii)** (with **Sch. 17 paras. 33, 35(1)**)

Marginal Citations

M4 1980 c. 66.

22 Leaving vehicles in dangerous positions.

If a person in charge of a vehicle causes or permits the vehicle or a trailer drawn by it to remain at rest on a road in such a position or in such condition or in such circumstances

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as to ^{F122}involve a danger of injury] to other persons using the road, he is guilty of an offence.

Textual Amendments

F122 Words in s. 22 substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para.48](#); [S.I. 1992/1286, art. 2](#), Sch.

Modifications etc. (not altering text)

C24 S. 22 applied (S.) (21.3.1999) by [S.I. 1999/854, art. 3\(4\)\(a\)\(b\)](#)

C25 S. 22 excluded (17.4.2019) by [The Motor Sport on Public Roads \(Scotland\) Regulations 2019 \(S.S.I. 2019/138\)](#), [regs. 1, 6, sch. 2](#)

^{F123}22A Causing danger to road-users.

- (1) A person is guilty of an offence if he intentionally and without lawful authority or reasonable cause—
 - (a) causes anything to be on or over a road, or
 - (b) interferes with a motor vehicle, trailer or cycle, or
 - (c) interferes (directly or indirectly) with traffic equipment,
 in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.
- (2) In subsection (1) above “dangerous” refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that subsection what would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.
- (3) In subsection (1) above “traffic equipment” means—
 - (a) anything lawfully placed on or near a road by a highway authority;
 - (b) a traffic sign lawfully placed on or near a road by a person other than a highway authority;
 - (c) any fence, barrier or light lawfully placed on or near a road—
 - (i) in pursuance of section 174 of the Highways Act 1980, ^{F124} . . . or section 65 of the New Roads and Street Works Act 1991 (which provide for guarding, lighting and signing in streets where works are undertaken), or
 - (ii) by a constable or a person acting under the instructions (whether general or specific) of a chief officer of police.
- (4) For the purposes of subsection (3) above anything placed on or near a road shall unless the contrary is proved be deemed to have been lawfully placed there.
- (5) In this section “road” does not include a footpath or bridleway.
- (6) This section does not extend to Scotland.]

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Textual Amendments

- F123** S. 22A inserted (E.W.) (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), **s. 6**; S.I. 1992/1286, **art. 2, Sch.**
- F124** Words in s. 22A(3)(c)(i) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59\)](#), s. 168(1)(2), **Sch. 8 para. 121(2), Sch.9** (with s. 25(2)); S.I. 1992/2984, **art. 2(2), Sch.2**.

Other restrictions in interests of safety

23 Restriction of carriage of persons on motor cycles.

- (1) Not more than one person in addition to the driver may be carried on a [^{F125}motor bicycle].
- (2) No person in addition to the driver may be carried on a [^{F125}motor bicycle] otherwise than sitting astride the motor cycle and on a proper seat securely fixed to the motor cycle behind the driver's seat.
- (3) If a person is carried on a motor cycle in contravention of this section, the driver of the motor cycle is guilty of an offence.

Textual Amendments

- F125** Words substituted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 7, **Sch. 6 para. 6**

24 Restriction of carriage of persons on bicycles.

- (1) Not more than one person may be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.
- (2) In this section—
 - (a) references to a person carried on a bicycle include references to a person riding the bicycle, and
 - (b) “road” includes bridleway.
- (3) If a person is carried on a bicycle in contravention of subsection (1) above, each of the persons carried is guilty of an offence.

25 Tampering with motor vehicles.

If, while a motor vehicle is on a road or on a parking place provided by a local authority, a person—

- (a) gets on to the vehicle, or
 - (b) tampers with the brake or other part of its mechanism,
- without lawful authority or reasonable cause he is guilty of an offence.

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Modifications etc. (not altering text)

C26 S. 25 applied (S.) (21.3.1999) by S.I. 1999/854, art. 3(4)(a)(b)

26 Holding or getting on to vehicle in order to be towed or carried.

- (1) If, for the purpose of being carried, a person without lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion on a road he is guilty of an offence.
- (2) If, for the purpose of being drawn, a person takes or retains hold of a motor vehicle or trailer while in motion on a road he is guilty of an offence.

27 Control of dogs on roads.

- (1) A person who causes or permits a dog to be on a designated road without the dog being held on a lead is guilty of an offence.
- (2) In this section “designated road” means a length of road specified by an order in that behalf of the local authority in whose area the length of road is situated.
- (3) The powers which under subsection (2) above are exercisable by a local authority in England and Wales are, in the case of a road part of the width of which is in the area of one local authority and part in the area of another, exercisable by either authority with the consent of the other.
- (4) An order under this section may provide that subsection (1) above shall apply subject to such limitations or exceptions as may be specified in the order, and (without prejudice to the generality of this subsection) subsection (1) above does not apply to dogs proved—
 - (a) to be kept for driving or tending sheep or cattle in the course of a trade or business, or
 - (b) to have been at the material time in use under proper control for sporting purposes.
- (5) An order under this section shall not be made except after consultation with the chief officer of police.
- (6) The Secretary of State may make regulations—
 - (a) prescribing the procedure to be followed in connection with the making of orders under this section, and
 - (b) requiring the authority making such an order to publish in such manner as may be prescribed by the regulations notice of the making and effect of the order.
- (7) In this section “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, and
 - (b) in relation to Scotland, a ^{F126}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].
- (8) The power conferred by this section to make an order includes power, exercisable in like manner and subject to the like conditions, to vary or revoke it.

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Textual Amendments

F126 Words in s. 27(7)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 159(2)**; S.I. 1996/323, **art. 4(1)(b)(c)**

Modifications etc. (not altering text)

C27 s. 27(6): transfer of certain functions (1.7.1999) by S.I. 1999/1750, **arts. 1(1) 2**, Sch. 1 (with art. 7); S.I. 1998/3178, **art. 3**

S. 27(6): transfer of functions (1.7.1999) by S.I. 1999/672, **arts. 1, 2**, **Sch. 1**

Cycling offences and cycle racing

[^{F127}28 **Dangerous cycling.**

- (1) A person who rides a cycle on a road dangerously is guilty of an offence.
- (2) For the purposes of subsection (1) above a person is to be regarded as riding dangerously if (and only if)—
 - (a) the way he rides falls far below what would be expected of a competent and careful cyclist, and
 - (b) it would be obvious to a competent and careful cyclist that riding in that way would be dangerous.
- (3) In subsection (2) above “dangerous” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of that subsection what would be obvious to a competent and careful cyclist in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.]

Textual Amendments

F127 S. 28 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 7**; S.I. 1992/1286, **art. 2**, Sch.

29 **Careless, and inconsiderate, cycling.**

If a person rides a cycle on a road without due care and attention, or without reasonable consideration for other persons using the road, he is guilty of an offence.

F128
...

Textual Amendments

F128 Words in s. 29 repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, **art. 2**, Sch.

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30 Cycling when under influence of drink or drugs.

- (1) A person who, when riding a cycle on a road or other public place, is unfit to ride through drink or drugs (that is to say, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the cycle) is guilty of an offence.
- (2) In Scotland a constable may arrest without warrant a person committing an offence under this section.

^{F129}(3)

Textual Amendments

F129 S. 30(3) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch.8](#); S.I. 1992/1286, [art. 2](#), Sch.

31 Regulation of cycle racing on public ways.

- (1) A person who promotes or takes part in a race or trial of speed on a public way between cycles is guilty of an offence, unless the race or trial—
 - (a) is authorised, and
 - (b) is conducted in accordance with any conditions imposed,
 by or under regulations under this section.
- (2) The Secretary of State may by regulations authorise, or provide for authorising, for the purposes of subsection (1) above, the holding on a public way other than a bridleway—
 - (a) of races or trials of speed of any class or description, or
 - (b) of a particular race or trial of speed,
 in such cases as may be prescribed and subject to such conditions as may be imposed by or under the regulations.
- (3) Regulations under this section may—
 - (a) prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations, and
 - (b) make different provision for different classes or descriptions of race or trial.
- (4) Without prejudice to any other powers exercisable in that behalf, the chief officer of police may give directions with respect to the movement of, or the route to be followed by, vehicular traffic during any period, being directions which it is necessary or expedient to give in relation to that period to prevent or mitigate—
 - (a) congestion or obstruction of traffic, or
 - (b) danger to or from traffic,
 in consequence of the holding of a race or trial of speed authorised by or under regulations under this section.
- (5) Directions under subsection (4) above may include a direction that any road or part of a road specified in the direction shall be closed during the period to vehicles or to vehicles of a class so specified.

[^{F130}(6) In this section “public way” means, in England and Wales, a highway, and in Scotland, a public road but does not include a footpath.]

Status: Point in time view as at 01/11/2019.

Changes to legislation: Road Traffic Act 1988, Part I is up to date with all changes known to be in force on or before 28 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)

Textual Amendments

F130 S. 31(6) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.49**; ; S.I. 1992/1286, **art. 2**, Sch.

Modifications etc. (not altering text)

C28 S. 31(2): transfer of certain functions (1.7.1999) by S.I. 1999/1750, **art. 2**, **Sch. 1** (with **art. 7**); S.I. 1998/3178, **art. 3**

S. 31(2): transfer of functions (1.7.1999) by S.I. 1999/672, **arts. 1, 2**, **Sch. 1**

32 Electrically assisted pedal cycles.

- (1) An electrically assisted pedal cycle of a class specified in regulations made for the purposes of section 189 of this Act and section 140 of the ^{M5}Road Traffic Regulation Act 1984 shall not be driven on a road by a person under the age of fourteen.
- (2) A person who—
 - (a) drives such a pedal cycle, or
 - (b) knowing or suspecting that another person is under the age of fourteen, causes or permits him to drive such a pedal cycle,in contravention of subsection (1) above is guilty of an offence.

Marginal Citations

M5 1984 c. 27.

Use of motor vehicles away from roads

33 Control of use of footpaths ^{F131}, bridleways and restricted byways] for motor vehicle trials.

- (1) A person must not promote or take part in a trial of any description between motor vehicles on a footpath ^{F132}, bridleway or restricted byway] unless the holding of the trial has been authorised under this section by the local authority.
- (2) A local authority shall not give an authorisation under this section unless satisfied that consent in writing to the use of any length of footpath ^{F132}, bridleway or restricted byway] for the purposes of the trial has been given by the owner and by the occupier of the land over which that length of footpath ^{F132}, bridleway or restricted byway] runs, and any such authorisation may be given subject to compliance with such conditions as the authority think fit.
- (3) A person who—
 - (a) contravenes subsection (1) above, or
 - (b) fails to comply with any conditions subject to which an authorisation under this section has been granted,is guilty of an offence.
- (4) The holding of a trial authorised under this section is not affected by any statutory provision prohibiting or restricting the use of footpaths ^{F133}, bridleways or restricted

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byways] or a specified footpath [^{F132}, bridleway or restricted byway] ; but this section does not prejudice any right or remedy of a person as having any interest in land.

(5) In this section “local authority”—

- (a) in relation to England and Wales, means the council of a county, metropolitan district or London borough, and
- (b) in relation to Scotland, means a [^{F134}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

[^{F135}(6) In this section “restricted byway” means a way over which the public have restricted byway rights within the meaning of Part 2 of the Countryside and Rights of Way Act 2000, with or without a right to drive animals of any description along the way, but no other rights of way.]

Textual Amendments

- F131** Words in s. 33 sidenote substituted (E.W.) (3.7.2006 for E. and 12.7.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(3)(5), 2, **Sch. Pt. 1**; S.I. 2006/1172, art. 2(a)-(d) (with art. 3); S.I. 2006/1279, art. 2(a)-(d) (with art. 3)
- F132** Words in s. 33(1)(2)(4) substituted (E.W.) (3.7.2006 for E. and 12.7.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(3)(5), 2, **Sch. Pt. 1**; S.I. 2006/1172, art. 2(a)-(d) (with art. 3); S.I. 2006/1279, art. 2(a)-(d) (with art. 3)
- F133** Words in s. 33(4) substituted (E.W.) (3.7.2006 for E. and 12.7.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(3)(5), 2, **Sch. Pt. 1**; S.I. 2006/1172, art. 2(a)-(d) (with art. 3); S.I. 2006/1279, art. 2(a)-(d) (with art. 3)
- F134** Words in s. 33(5)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 159(3)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F135** S. 33(6) inserted (E.W.) (3.7.2006 for E. and 12.7.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(3)(5), 2, **Sch. Pt. 1**; S.I. 2006/1172, art. 2(a)-(d) (with art. 3); S.I. 2006/1279, art. 2(a)-(d) (with art. 3)

Modifications etc. (not altering text)

- C29** S. 33 applied (with modifications) (E.W.) (3.7.2006 for E. and 12.7.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1, 2, **Sch. Pt. 1**; S.I. 2006/1172; S.I. 2006/1279

[^{F136}34 **Prohibition of driving mechanically propelled vehicles elsewhere than on roads.** **E+W**

- (1) Subject to the provisions of this section, if without lawful authority a person drives a mechanically propelled vehicle—
- (a) on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or
 - (b) on any road being a footpath, bridleway or restricted byway,
- he is guilty of an offence.
- (2) For the purposes of subsection (1)(b) above, a way shown in a definitive map and statement as a footpath, bridleway or restricted byway is, without prejudice to

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section 56(1) of the ^{M6}Wildlife and Countryside Act 1981, to be taken to be a way of the kind shown, unless ^{F137}. . . the contrary is proved.

^{F138}(2A) [It is not an offence under this section for a person with an interest in land, or a visitor to any land, to drive a mechanically propelled vehicle on a road if, immediately before the commencement of section 47(2) of the Countryside and Rights of Way Act 2000, the road was—

- (a) shown in a definitive map and statement as a road used as a public path, and
- (b) in use for obtaining access to the land by the driving of mechanically propelled vehicles by a person with an interest in the land or by visitors to the land.]

(3) It is not an offence under this section to drive a mechanically propelled vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

(4) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(5) It is hereby declared that nothing in this section prejudices the operation of—

- (a) section 193 of the ^{M7}Law of Property Act 1925 (rights of the public over commons and waste lands), or
- (b) any byelaws applying to any land,

or affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass or in particular confers a right to park a vehicle on any land.

(6) Subsection (2) above [^{F139}does] not extend to Scotland.

(7) In this section—

“definitive map and statement” has the same meaning as in Part III of the ^{M8}Wildlife and Countryside Act 1981;

[^{F140}“interest”, in relation to land, includes any estate in land and any right over land (whether exercisable by virtue of the ownership of an estate or interest in the land or by virtue of a licence or agreement) and, in particular, includes rights of common and sporting rights;]

“mechanically propelled vehicle” does not include a vehicle falling within paragraph (a), (b) or (c) of section 189(1) of this Act; and

“restricted byway” means a way over which the public have restricted byway rights within the meaning of Part II of the Countryside and Rights of Way Act 2000, with or without a right to drive animals of any description along the way, but no other rights of way.

[A person—

- ^{F141}(8) (a) entering any land in exercise of rights conferred by virtue of section 2(1) of the Countryside and Rights of Way Act 2000, or
- (b) entering any land which is treated by section 15(1) of that Act as being accessible to the public apart from that Act,

is not for the purposes of subsection (2A) a visitor to the land.]]

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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

- F136** S. 34 substituted (30.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 5**
- F137** Words in s. 34(2) repealed (2.5.2006 for E. and 16.11.2006 for W.) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 70(3), 105(2), 107, **Sch. 12**; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**
- F138** S. 34(2A) inserted (E.W.) (2.5.2006 for E. and 16.11.2006 for W.) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 70(4), 107; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**
- F139** Words in s. 34(6) substituted (E.W.) (2.5.2006 for E. and 16.11.2006 for W.) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 70(5), 107; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**
- F140** Words in s. 34(7) inserted (E.W.) (2.5.2006 for E. and 16.11.2006 for W.) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 70(6), 107; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**
- F141** S. 34(8) inserted (E.W.) (2.5.2006 for E. and 16.11.2006 for W.) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 70(7), 107; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**

Marginal Citations

- M6** 1981 c. 69.
M7 1925 c. 20.
M8 1981 c. 69.

[^{F136}34] **Prohibition of driving mechanically propelled vehicles elsewhere than on roads.** **S**

- (1) Subject to the provisions of this section, if without lawful authority a person drives a mechanically propelled vehicle—
 - (a) on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or
 - (b) on any road being a footpath, bridleway or restricted byway, he is guilty of an offence.
- (2) For the purposes of subsection (1)(b) above, a way shown in a definitive map and statement as a footpath, bridleway or restricted byway is, without prejudice to section 56(1) of the ^{M6}Wildlife and Countryside Act 1981, to be taken to be a way of the kind shown, unless ^{F137}. . . the contrary is proved.
- (3) It is not an offence under this section to drive a mechanically propelled vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.
- (4) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.
- (5) It is hereby declared that nothing in this section prejudices the operation of—
 - (a) section 193 of the ^{M7}Law of Property Act 1925 (rights of the public over commons and waste lands), or
 - (b) any byelaws applying to any land,

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or affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass or in particular confers a right to park a vehicle on any land.

(6) Subsection (2) above and section 34A of this Act do not extend to Scotland.

(7) In this section—

“definitive map and statement” has the same meaning as in Part III of the ^{M8}Wildlife and Countryside Act 1981;

“mechanically propelled vehicle” does not include a vehicle falling within paragraph (a), (b) or (c) of section 189(1) of this Act; and

“restricted byway” means a way over which the public have restricted byway rights within the meaning of Part II of the Countryside and Rights of Way Act 2000, with or without a right to drive animals of any description along the way, but no other rights of way.]

Extent Information

E3 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F136 S. 34 substituted (30.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 5**

F137 Words in s. 34(2) repealed (2.5.2006 for E. and 16.11.2006 for W.) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 70(3), 105(2), 107, **Sch. 12**; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**

Marginal Citations

M6 1981 c. 69.

M7 1925 c. 20.

M8 1981 c. 69.

Directions to traffic and to pedestrians and traffic signs

35 Drivers to comply with traffic directions.

(1) Where a constable [^{F142}or traffic officer] is for the time being engaged in the regulation of traffic in a road, a person driving or propelling a vehicle who neglects or refuses—

- (a) to stop the vehicle, or
- (b) to make it proceed in, or keep to, a particular line of traffic,

when directed to do so by the constable in the execution of his duty [^{F143}or the traffic officer (as the case may be)] is guilty of an offence.

(2) Where—

- (a) a traffic survey of any description is being carried out on or in the vicinity of a road, and
- (b) a constable [^{F144}or traffic officer] gives to a person driving or propelling a vehicle a direction—

- (i) to stop the vehicle,
- (ii) to make it proceed in, or keep to, a particular line of traffic, or

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(iii) to proceed to a particular point on or near the road on which the vehicle is being driven or propelled,

being a direction given for the purposes of the survey (but not a direction requiring any person to provide any information for the purposes of a traffic survey),

the person is guilty of an offence if he neglects or refuses to comply with the direction.

- (3) The power to give such a direction as is referred to in subsection (2) above for the purposes of a traffic survey shall be so exercised as not to cause any unreasonable delay to a person who indicates that he is unwilling to provide any information for the purposes of the survey.

Textual Amendments

- F142** Words in s. 35(1) inserted (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by [Traffic Management Act 2004 \(c. 18\)](#), [ss. 6\(2\)\(a\)\(i\)](#), 99 (with s. 38); S.I. 2004/2380, [art. 2\(a\)](#); S.I. 2009/1095, [art. 2](#)
- F143** Words in s. 35(1) inserted (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by [Traffic Management Act 2004 \(c. 18\)](#), [ss. 6\(2\)\(a\)\(ii\)](#), 99 (with s. 38); S.I. 2004/2380, [art. 2\(a\)](#); S.I. 2009/1095, [art. 2](#)
- F144** Words in s. 35(2)(b) inserted (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by [Traffic Management Act 2004 \(c. 18\)](#), [ss. 6\(2\)\(b\)](#), 99 (with s. 38); S.I. 2004/2380, [art. 2\(a\)](#); S.I. 2009/1095, [art. 2](#)

Modifications etc. (not altering text)

- C30** S. 35 modified (12.2.2002) by 2002 c. 30, s. 38, [Sch. 4 Pt. 1 para. 12\(2\)](#); S.I. 2002/2750, [art. 2\(a\)\(ii\)\(d\)](#)
S. 35 modified (12.2.2002) by 2002 c. 30, s. 41, [Sch. 5 para. 9\(2\)](#); S.I. 2002/2750, [art. 2\(a\)\(iii\)](#)
S. 35 modified by [Police Reform Act 2002 \(c. 30\)](#), [Sch. 4 para. 11B\(4\)](#) (as inserted (E.W.) (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122(7), 178, [Sch. 8 para. 10](#); S.I. 2005/1521, [art. 3\(1\)](#) (subject to [art. 3\(4\)\(5\)](#)))
S. 35 modified by [Police Reform Act 2002 \(c. 30\)](#), [Sch. 5 para. 8B\(4\)](#) (as inserted (E.W.) (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122(7), 178, [Sch. 8 para. 20](#); S.I. 2005/1521, [art. 3\(1\)](#) (subject to [art. 3\(4\)\(5\)](#)))
- C31** S. 35(1): power to extend conferred by [Road Traffic Regulation Act 1984 \(c.27, SIF 107:1\)](#), [s. 96\(2\)\(c\)\(i\)](#) (as amended by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 3 para. 25\(6\)\(a\)](#))
S. 35(1) extended (S.) (21.3.1999) by S.I. 1999/854, [art. 3\(2\)\(b\)](#)

36 Drivers to comply with traffic signs.

- (1) Where a traffic sign, being a sign—
- of the prescribed size, colour and type, or
 - of another character authorised by the ^{F145}[relevant authority] under the provisions in that behalf of the ^{M9}Road Traffic Regulation Act 1984,
- has been lawfully placed on or near a road, a person driving or propelling a vehicle who fails to comply with the indication given by the sign is guilty of an offence.
- (2) A traffic sign shall not be treated for the purposes of this section as having been lawfully placed unless either—
- the indication given by the sign is an indication of a statutory prohibition, restriction or requirement, or
 - it is expressly provided by or under any provision of the Traffic Acts that this section shall apply to the sign or to signs of a type of which the sign is one;

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and, where the indication mentioned in paragraph (a) of this subsection is of the general nature only of the prohibition, restriction or requirement to which the sign relates, a person shall not be convicted of failure to comply with the indication unless he has failed to comply with the prohibition, restriction or requirement to which the sign relates.

- (3) For the purposes of this section a traffic sign placed on or near a road shall be deemed—
- (a) to be of the prescribed size, colour and type, or of another character authorised by the ^{F146}relevant authority] under the provisions in that behalf of the Road Traffic Regulation Act 1984, and
 - (b) (subject to subsection (2) above) to have been lawfully so placed, unless the contrary is proved.
- (4) Where a traffic survey of any description is being carried out on or in the vicinity of a road, this section applies to a traffic sign by which a direction is given—
- (a) to stop a vehicle,
 - (b) to make it proceed in, or keep to, a particular line of traffic, or
 - (c) to proceed to a particular point on or near the road on which the vehicle is being driven or propelled,
- being a direction given for the purposes of the survey (but not a direction requiring any person to provide any information for the purposes of the survey).
- (5) Regulations made by the ^{F147}national authority] may specify any traffic sign for the purposes of column 5 of the entry in Schedule 2 to the ^{M10}Road Traffic Offenders Act 1988 relating to offences under this section (offences committed by failing to comply with certain signs involve discretionary disqualification).
- ^{F148}(6) Before making regulations under subsection (5) the Secretary of State must consult with ^{F149}the Welsh Ministers and] the Scottish Ministers.
- (7) Before ^{F150}the Welsh Ministers or the Scottish Ministers make regulations under subsection (5) they] must consult with the Secretary of State.
- (8) In this section ^{F151}“relevant authority”] has the meaning given by ^{F152}section 64(6A)] of the Road Traffic Regulation Act 1984.]

Textual Amendments

- F145** Words in s. 36(1)(b) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 46(a)** (with Sch. 7 paras. 1, 6, 9); S.I. 2017/1179, reg. 3(r)
- F146** Words in s. 36(3)(a) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 46(a)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)
- F147** Words in s. 36(5) substituted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 41(22), 72(7)** (with Sch. 2 paras. 34(2), 35(2))
- F148** S. 36(6)-(8) inserted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 41(23), 72(7)** (with Sch. 2 paras. 34(2), 35(2))
- F149** Words in s. 36(6) inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 46(b)** (with Sch. 7 paras. 1, 6, 9); S.I. 2017/1179, reg. 3(r)
- F150** Words in s. 36(7) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 46(c)** (with Sch. 7 paras. 1, 6, 9); S.I. 2017/1179, reg. 3(r)
- F151** Words in s. 36(8) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 46(d)(i)** (with Sch. 7 paras. 1, 6, 9); S.I. 2017/1179, reg. 3(r)

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F152 Words in s. 36(8) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 46(d)(ii)** (with **Sch. 7 paras. 1, 6, 9**); S.I. 2017/1179, reg. 3(r)

Modifications etc. (not altering text)

- C32** S. 36 applied (with modifications) (30.12.2003) by London Local Authorities and Transport for London Act 2003 (c. iii), **s. 7(4)**
- C33** S. 36: power to extend conferred by Road Traffic Regulation Act 1984 (c.27, SIF 107:1), **ss. 64(5), 96(2)(c)(i)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 paras. 25(3)(6)(a)**)
- C34** S. 36 extended by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 67(2)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(5)**)
- C35** S. 36 applied (with modifications) (29.3.1993) by 1993 c. iv, **ss. 25(1)(b)(3), 26(1)(b)(3)** (with ss. 36, 41(5), 44(1))
S. 36 applied (12.8.1994) by S.I. 1994/1519, **reg. 10(1)** (which S.I. 1994/1519 is revoked (31.1.2003) by S.I. 2002/3113, **reg. 2**)
S. 36 applied (S.) (4.1.1995) by 1994 c. 39, **s. 150(2)**; S.I. 1994/2850, art. 3(a), **Sch. 2**
S. 36 applied (1.3.1998) by S.I. 1997/3053, **reg. 4(2)**
S. 36 applied (31.1.2003) by S.I. 2002/3113, **reg. 10(1)**
S. 36 applied by Police Reform Act 2002 (c. 30), Sch. 4 para. 13A(2) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 11**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))
- C36** S. 36(1) excluded (S.) (18.11.2003) by Road Traffic Act 1991 (c. 40), **Sch. 3 para. 2(4)** (as inserted by The Road Traffic Act 1991 (Special Parking Area) (Scotland) Order 2003 (S.S.I 2003/508), {art. 2})
- C37** S. 36(1) excluded (17.4.2019) by The Motor Sport on Public Roads (Scotland) Regulations 2019 (S.S.I. 2019/138), regs. 1, 6, **sch. 2**
- C38** S. 36(5): transfer of certain functions (1.7.1999) by S.I. 1999/672, arts. 1, 2, **Sch. 1**
S. 36(5): transfer of functions (27.12.1999) by S.I. 1999/3143, **art. 2(2)**
S. 36(5) amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7); S.I. 1998/3178, **art. 3**

Marginal Citations

- M9** 1984 c. 27.
M10 1988 c. 53.

37 Directions to pedestrians.

Where a constable in uniform [^{F153}or traffic officer] is for the time being engaged in the regulation of vehicular traffic in a road, a person on foot who proceeds across or along the carriageway in contravention of a direction to stop given by the constable in the execution of his duty [^{F154}or the traffic officer (as the case may be)], either to persons on foot or to persons on foot and other traffic, is guilty of an offence.

Textual Amendments

- F153** Words in s. 37 inserted (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by Traffic Management Act 2004 (c. 18), **ss. 6(3)(a), 99** (with s. 38); S.I. 2004/2380, **art. 2(a)**; S.I. 2009/1095, **art. 2**
- F154** Words in s. 37 inserted (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by Traffic Management Act 2004 (c. 18), **ss. 6(3)(b), 99** (with s. 38); S.I. 2004/2380, **art. 2(a)**; S.I. 2009/1095, **art. 2**

Modifications etc. (not altering text)

- C39** S. 37: power to extend conferred by Road Traffic Regulation Act 1984 (c.27, SIF 107:1), **s. 96(2)(c)(i)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 paras. 25(6)(a)**)

Status: Point in time view as at 01/11/2019.

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- C40** S. 37 extended (S.) (21.3.1999) by S.I. 1999/854, **art. 3(2)(b)**
- C41** S. 37 modified (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 12(2)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- S. 37 modified (2.12.2002) by 2002 c. 30, s. 41, **Sch. 5 para. 9(2)**; S.I. 2002/2750, **art. 2(a)(iii)**
- S. 37 modified by Police Reform Act 2002 (c. 30), Sch. 4 para. 11B(4) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 10**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))
- S. 37 modified by Police Reform Act 2002 (c. 30), Sch. 5 para. 8B(4) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 20**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))

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.
- (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 ^{M11}Public Passenger Vehicles Act 1981 or sections 18 to 23 of the ^{M12}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 ^{M13}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—

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- (a) “statutory provision” means a provision contained in an Act or in subordinate legislation within the meaning of the ^{M14}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

- M11 1981 c. 14.
- M12 1985 c. 67.
- M13 1930 c. 43.
- M14 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.
- ^{F155}(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) ^{F156}Each relevant authority—]—
 - (a) must carry out studies into accidents arising out of the use of vehicles
 - ^{F157}(i) if it is a local authority,] on roads or parts of roads, other than ^{F158}GLA roads or ^{F159}roads for which the Secretary of state is highway authority (in Scotland, roads authority)] within their area ^{F160}or
 - (ii) if it is Transport for London, on GLA roads or parts of GLA roads,]
 - (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 ^{F161}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.

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[(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

[^{F162}“GLA road” has the same meaning as in the ^{M15}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 [^{F163}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

[^{F164}“relevant authority” means a local authority or Transport for London;].

Textual Amendments

F155 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**

F156 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**

F157 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**

F158 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**

F159 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.)

F160 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**

F161 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.)

F162 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**

F163 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)**

F164 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)

C42 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)**

C43 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**

C44 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)**

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- C45** 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))
- C46** 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**
- C47** 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**
- C48** 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

M15 1980 c. 66.

[^{F165}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—
- the Secretary of State acting with the approval of the Treasury, or
 - the National Assembly for Wales.]

Extent Information

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

Textual Amendments

F165 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)

- C49** 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](#)
- C50** 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))

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 ^{F166}. . . local authorities (within the meaning of section 39 of this Act) [^{F167}or by other authorities or bodies].

Extent Information

E4 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

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Textual Amendments

F166 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. I**

F167 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. I**

Modifications etc. (not altering text)

C49 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**

C50 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))

Status:

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Changes to legislation:

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