



# Road Traffic Act 1991

## 1991 CHAPTER 40

### PART I

#### GENERAL

##### *Trial*

#### **22 Amendment of Schedule 1 to the Road Traffic Offenders Act 1988.**

Schedule 1 to this Act, which amends Schedule 1 to the Road Traffic Offenders Act 1988 (procedural requirements applicable in relation to certain offences), shall have effect.

#### **Commencement Information**

**II** S. 22 wholly in force at 1.7.1992 see s. 84 and [S.I. 1992/1286, art. 2, Sch.](#)

#### **23 Speeding offences etc: admissibility of certain evidence.**

For section 20 of the <sup>M1</sup>Road Traffic Offenders Act 1988 (admissibility of measurement of speed by radar) there shall be substituted—

##### **“20 Speeding offences etc: admissibility of certain evidence.**

- (1) Evidence (which in Scotland shall be sufficient evidence) of a fact relevant to proceedings for an offence to which this section applies may be given by the production of—
- (a) a record produced by a prescribed device, and
  - (b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a constable or by a person authorised by or on behalf of the chief officer of police for the police area in which the offence is alleged to have been committed;

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but subject to the following provisions of this section.

- (2) This section applies to—
- (a) an offence under section 16 of the Road Traffic Regulation Act 1984 consisting in the contravention of a restriction on the speed of vehicles imposed under section 14 of that Act;
  - (b) an offence under subsection (4) of section 17 of that Act consisting in the contravention of a restriction on the speed of vehicles imposed under that section;
  - (c) an offence under section 88(7) of that Act (temporary minimum speed limits);
  - (d) an offence under section 89(1) of that Act (speeding offences generally);
  - (e) an offence under section 36(1) of the Road Traffic Act 1988 consisting in the failure to comply with an indication given by a light signal that vehicular traffic is not to proceed.
- (3) The Secretary of State may by order amend subsection (2) above by making additions to or deletions from the list of offences for the time being set out there; and an order under this subsection may make such transitional provision as appears to him to be necessary or expedient.
- (4) A record produced or measurement made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings for an offence to which this section applies unless—
- (a) the device is of a type approved by the Secretary of State, and
  - (b) any conditions subject to which the approval was given are satisfied.
- (5) Any approval given by the Secretary of State for the purposes of this section may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.
- (6) In proceedings for an offence to which this section applies, evidence (which in Scotland shall be sufficient evidence)—
- (a) of a measurement made by a device, or of the circumstances in which it was made, or
  - (b) that a device was of a type approved for the purposes of this section, or that any conditions subject to which an approval was given were satisfied,
- may be given by the production of a document which is signed as mentioned in subsection (1) above and which, as the case may be, gives particulars of the measurement or of the circumstances in which it was made, or states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.
- (7) For the purposes of this section a document purporting to be a record of the kind mentioned in subsection (1) above, or to be a certificate or other document signed as mentioned in that subsection or in subsection (6) above, shall be deemed to be such a record, or to be so signed, unless the contrary is proved.
- (8) Nothing in subsection (1) or (6) above makes a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than

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seven days before the hearing or trial, been served on the person charged with the offence; and nothing in those subsections makes a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the prosecutor requiring attendance at the hearing or trial of the person who signed the document.

- (9) In this section “prescribed device” means device of a description specified in an order made by the Secretary of State.
- (10) The powers to make orders under subsections (3) and (9) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

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**Modifications etc. (not altering text)**

**C1** S. 23 restricted (3.6.1992) by [S.I. 1992/1286, art. 4\(2\)](#).

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**Commencement Information**

**I2** S. 23 wholly in force at 1.7.1992 see s. 84 and [S.I. 1992/1286, art. 2, Sch.](#)

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**Marginal Citations**

**M1** [1988 c. 53](#).

## 24 Alternative verdicts.

For section 24 of the <sup>M2</sup>Road Traffic Offenders Act 1988 there shall be substituted—

**“24 Alternative verdicts: general.**

- (1) Where—
- (a) a person charged with an offence under a provision of the Road Traffic Act 1988 specified in the first column of the Table below (where the general nature of the offences is also indicated) is found not guilty of that offence, but
  - (b) the allegations in the indictment or information (or in Scotland complaint) amount to or include an allegation of an offence under one or more of the provisions specified in the corresponding entry in the second column,
- he may be convicted of that offence or of one or more of those offences.

<b>Offence charged</b>	<b>Alternative</b>
Section 1 (causing death by dangerous driving)	Section 2 (dangerous driving)
	Section 3 (careless, and inconsiderate, driving)
Section 2 (dangerous driving)	Section 3 (careless, and inconsiderate, driving)

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Section 3A (causing death by careless driving when under influence of drink or drugs)	Section 3 (careless, and inconsiderate, driving)
	Section 4(1) (driving when unfit to drive through drink or drugs)
	Section 5(1)(a) (driving with excess alcohol in breath, blood or urine)
	Section 7(6) (failing to provide specimen)
Section 4(1) (driving or attempting to drive when unfit to drive through drink or drugs)	Section 4(2) (being in charge of a vehicle when unfit to drive through drink or drugs)
Section 5(1)(a) (driving or attempting to drive with excess alcohol in breath, blood or urine)	Section 5(1)(b) (being in charge of a vehicle with excess alcohol in breath, blood or urine)
Section 28 (dangerous cycling)	Section 29 (careless, and inconsiderate, cycling)

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- (2) Where the offence with which a person is charged is an offence under section 3A of the Road Traffic Act 1988, subsection (1) above shall not authorise his conviction of any offence of attempting to drive.
- (3) Where a person is charged with having committed an offence under section 4(1) or 5(1)(a) of the Road Traffic Act 1988 by driving a vehicle, he may be convicted of having committed an offence under the provision in question by attempting to drive.
- (4) Where by virtue of this section a person is convicted before the Crown Court of an offence triable only summarily, the court shall have the same powers and duties as a magistrates' court would have had on convicting him of that offence.
- (5) Where, in Scotland, by virtue of this section a person is convicted under solemn procedure of an offence triable only summarily, the penalty imposed shall not exceed that which would have been competent on a conviction under summary procedure.
- (6) This section has effect without prejudice to section 6(3) of the Criminal Law Act 1967 (alternative verdicts on trial on indictment), sections 61, 63, 64, 312 and 457A of the Criminal Procedure (Scotland) Act 1975 and section 23 of this Act.”

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**Modifications etc. (not altering text)**

**C2** S. 24 restricted (3.6.1992) by [S.I. 1992/1286, art.5](#) (as amended by [S.I. 1992/1410, art. 2](#))

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**Commencement Information**

**I3** S. 24 wholly in force at 1.7.1992 see s. 84 and [S.I. 1992/1286, art. 2, Sch.](#)

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**Marginal Citations**

**M2** [1988 c. 53.](#)

## 25 Interim disqualification.

For section 26 of the <sup>M3</sup>Road Traffic Offenders Act 1988 (interim disqualification on committal for sentence in England and Wales) there shall be substituted—

### “26 Interim disqualification.

- (1) Where a magistrates’ court—
  - (a) commits an offender to the Crown Court under subsection (1) of section 56 of the Criminal Justice Act 1967, or any enactment to which that section applies, or
  - (b) remits an offender to another magistrates’ court under section 39 of the Magistrates’ Courts Act 1980,to be dealt with for an offence involving obligatory or discretionary disqualification, it may order him to be disqualified until he has been dealt with in respect of the offence.
- (2) Where a court in England and Wales—
  - (a) defers passing sentence on an offender under section 1 of the Powers of Criminal Courts Act 1973 in respect of an offence involving obligatory or discretionary disqualification, or
  - (b) adjourns after convicting an offender of such an offence but before dealing with him for the offence,it may order the offender to be disqualified until he has been dealt with in respect of the offence.
- (3) Where a court in Scotland—
  - (a) adjourns a case under section 179 or section 380 of the Criminal Procedure (Scotland) Act 1975 (for inquiries to be made or to determine the most suitable method of dealing with the offender);
  - (b) remands a person in custody or on bail under section 180 or section 381 of the Criminal Procedure (Scotland) Act 1975 (to enable a medical examination and report to be made);
  - (c) defers sentence under section 219 or section 432 of the Criminal Procedure (Scotland) Act 1975;
  - (d) remits a convicted person to the High Court for sentence under section 104 of the Criminal Procedure (Scotland) Act 1975,in respect of an offence involving obligatory or discretionary disqualification, it may order the accused to be disqualified until he has been dealt with in respect of the offence.
- (4) Subject to subsection (5) below, an order under this section shall cease to have effect at the end of the period of six months beginning with the day on which it is made, if it has not ceased to have effect before that time.
- (5) In Scotland, where a person is disqualified under this section where section 219 or section 432 of the Criminal Procedure (Scotland) Act 1975 (deferred sentence) applies and the period of deferral exceeds 6 months, subsection (4) above shall not prevent the imposition under this section of any period of disqualification which does not exceed the period of deferral.
- (6) Where a court orders a person to be disqualified under this section (“the first order”), no court shall make a further order under this section in respect of the

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same offence or any offence in respect of which an order could have been made under this section at the time the first order was made.

- (7) Where a court makes an order under this section in respect of any person it must—
- (a) require him to produce to the court any licence held by him and its counterpart, and
  - (b) retain the licence and counterpart until it deals with him or (as the case may be) cause them to be sent to the clerk of the court which is to deal with him.
- (8) If the holder of the licence has not caused it and its counterpart to be delivered, or has not posted them, in accordance with section 7 of this Act and does not produce the licence and counterpart as required under subsection (7) above, then he is guilty of an offence.
- (9) Subsection (8) above does not apply to a person who—
- (a) satisfies the court that he has applied for a new licence and has not received it, or
  - (b) surrenders to the court a current receipt for his licence and its counterpart issued under section 56 of this Act, and produces the licence and counterpart to the court immediately on their return.
- (10) Where a court makes an order under this section in respect of any person, sections 44(1) and 47(2) of this Act and section 109(3) of the Road Traffic Act 1988 (Northern Ireland drivers' licences) shall not apply in relation to the order, but—
- (a) the court must send notice of the order to the Secretary of State, and
  - (b) if the court which deals with the offender determines not to order him to be disqualified under section 34 or 35 of this Act, it must send notice of the determination to the Secretary of State.
- (11) A notice sent by a court to the Secretary of State in pursuance of subsection (10) above must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.
- (12) Where on any occasion a court deals with an offender—
- (a) for an offence in respect of which an order was made under this section, or
  - (b) for two or more offences in respect of any of which such an order was made,
- any period of disqualification which is on that occasion imposed under section 34 or 35 of this Act shall be treated as reduced by any period during which he was disqualified by reason only of an order made under this section in respect of any of those offences.
- (13) Any reference in this or any other Act (including any Act passed after this Act) to the length of a period of disqualification shall, unless the context otherwise requires, be construed as a reference to its length before any reduction under this section.
- (14) In relation to licences which came into force before 1st June 1990, the references in this section to counterparts of licences shall be disregarded.”

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**Commencement Information**

**I4** S. 25 wholly in force at 1.7.1992 see s. 84 and [S.I. 1992/1286](#), [art. 2](#), Sch.

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**Marginal Citations**

**M3** [1988 c. 53](#).

**Changes to legislation:**

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