

ROAD SAFETY ACT 2006

EXPLANATORY NOTES

SPEEDING

Section 17: Penalty points

60. **Section 17** amends Part 1 of Schedule 2 to the RTOA with respect to the entry relating to section 17(4) of the RTRA (traffic regulation on special roads) and the entry relating to section 89(1) of that Act (speeding offences other than those on special roads), so as to change the entry in column 7 (penalty points).

special roads are, broadly, roads in England and Wales, provided under a scheme made under section 16 of the Highways Act 1980 and include motorways.

61. The amendments to be made by section 17 will extend the range of penalty points which may be given in respect of these two speeding offences from "3-6 or 3 (fixed penalty)" to "2-6 or appropriate penalty points (fixed penalty)". This will increase the range of penalty points available and provide for a more graduated arrangement of fixed penalties in respect of these two speeding offences.

Section 18: Speed assessment equipment detection devices

62. **Section 18** amends section 41 of the RTA. Section 41(1) of the RTA is an enabling provision empowering the Secretary of State to "make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used". The amendment means that it will be possible to prohibit a vehicle being fitted with, or a person using a vehicle carrying "speed assessment equipment detection devices" by means of regulations under section 41 of the RTA. The amendment defines a "speed assessment equipment detection device" as "a device, the purpose, or one of the purposes, of which is to detect, or interfere with the operation of equipment used to assess the speed of motor vehicles". The precise subset of the devices which will be prohibited will be identified in the regulations made under section 41 of the RTA but it is not intended to include in the prohibition those devices that only contain information about published camera site locations.

63. A person who breaches a speed assessment equipment detection device requirement shall be guilty of an offence and liable to the same penalty as if they had been convicted of exceeding a prescribed speed limit, which means that the financial penalties will be higher if the offence is committed on a special road.

Section 19: Exemptions from speed limits

64. **Section 19** substitutes a new section 87 of the RTRA. Section 87 currently provides that vehicles being used for fire and rescue authority, ambulance, police or Serious Organised Crime Agency purposes are not subject to any statutory provision imposing a speed limit if observance of the limit would be likely to hinder their use for the purpose for which they are being used on that occasion.

*These notes refer to the Road Safety Act 2006 (c.49)
which received Royal Assent on 8 November 2006*

65. The substituted section 87 contained in section 19 enables the Secretary of State to prescribe, by regulations, other purposes (in addition to those relating to fire and rescue authority purposes or for or in connection with the exercise of any function of a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005, for ambulance purposes or for police or Serious Organised Crime Agency purposes) for which vehicles may be exempt from speed limits.
66. The new section provides that the exemption from speed limits does not apply unless the vehicle is being driven by a person who has satisfactorily completed a course of training in the driving of vehicles at high speed provided in accordance with regulations under the new section, or is driving the vehicle as part of such a course.
67. *Subsection (3)* of the new section enables regulations to be made about courses of training in the driving of vehicles at high speed. These may include, amongst other things, provision about the nature of courses and provision for the approval by the Secretary of State of persons providing courses or giving instruction on courses. For those drivers who have already received appropriate training, paragraph (g) of *subsection (4)* of the new section provides that regulations may include provision treating courses of training in the driving of vehicles at high speed which have been completed before the coming into force of the regulations as if they had been provided in accordance with the regulations.