

ROAD SAFETY ACT 2006

EXPLANATORY NOTES

INCREASES IN PENALTIES

Section 23: Careless, and inconsiderate, driving

90. **Section 23** amends Part 1 of Schedule 2 to the RTOA (prosecution and punishment of offences: offences under the Traffic Acts) so as to increase the maximum fine for an offence under section 3 of the RTA from Level 4 on the standard scale (£2,500) to level 5 (£5,000).

Section 24: Breach of requirements relating to children and seat belts

91. This section amends Part 1 of Schedule 2 to the RTOA so as to increase the punishment for an offence under section 15(4) of the RTA (driving a motor vehicle in contravention of requirements relating to seat belts where children in rear seat) from level 1 on the standard scale (£200) to level 2 (£500). This amendment means that the penalty on conviction for a seat belt wearing offence in respect of a child sitting in a rear seat will be the same as that in respect of a child occupying a front seat.

Section 25: Using vehicle in dangerous condition etc

92. This section amends Part 1 of Schedule 2 to the RTOA to provide for obligatory disqualification of a person convicted of using a vehicle in a dangerous condition contrary to section 40A of the RTA if the offence is committed within three years of a previous conviction for the same offence.

Section 26: Breach of requirements as to control of vehicle, mobile telephones etc

93. This section inserts a new section 41D into the RTA, and amends the RTOA, to provide for obligatory endorsement (with disqualification at the court's discretion) for the offence of contravening or failing to comply with a construction and use requirement if the requirement relates either to failure to have proper control of the vehicle or a full view of the road or to the use of a hand-held mobile phone or similar device. A "construction and use requirement" is a requirement imposed by a regulation made under section 41 of the RTA (most of which are contained in the [Road Vehicles \(Construction and Use\) Regulations 1986 \(S.I. 1986/1078\)](#) as amended).

Section 27: Power of police to stop vehicle

94. This section amends column (4) of Part 1 of Schedule 2 to the RTOA to increase the penalty available for an offence under section 163 of the RTA (failure to stop a mechanically propelled vehicle when required to do so by a constable) from a fine of level 3 on the standard scale (£1,000) to level 5 (£5,000). The penalty in relation to cycles is unaffected.
95. This section also amends column (2) of that Schedule to replace the word "motor" with "mechanically propelled", in order to reflect the fact that in the Road Traffic Act 1991 the section 163 offence was amended to refer to "mechanically propelled vehicle".

Section 28: Furious driving

96. This section amends Part 2 of Schedule 2 to the RTOA to add an entry for the offence under section 35 of the Offences against the Person Act 1861 (furious driving). That offence is subject to discretionary disqualification. The section provides for the offence to be subject to mandatory endorsement where the offence is committed in relation to a mechanically propelled vehicle and sets the range of penalty points available for this offence (3-9).

Section 29: Breach of duty to give information as to identity of driver etc

97. This section amends Part 1 of Schedule 2 to the RTOA by raising from 3 to 6 the maximum number of penalty points which can be imposed for the offence of failing to provide information about the identity of a driver.