

2007 No. 2472 (C. 91)

ROAD TRAFFIC

The Road Safety Act 2006 (Commencement No. 2) Order 2007

Made - - - - *22nd August 2007*

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by section 61 of the Road Safety Act 2006^(a).

Citation

1. This Order may be cited as the Road Safety Act 2006 (Commencement No. 2) Order 2007.

Commencement of provisions

2. The following provisions of the Road Safety Act 2006 shall come into force on 24th September 2007—

- (a) section 14;
- (b) section 23;
- (c) section 24;
- (d) section 25;
- (e) section 27;
- (f) section 28;
- (g) section 29;
- (h) section 30 in so far as section 3ZA of the Road Traffic Act 1988^(b) has effect for the purposes of sections 3 and 3A of that Act;
- (i) section 31;
- (j) section 32;
- (k) section 33;
- (l) section 41;
- (m) section 43; and
- (n) section 59 in so far as it relates to paragraphs 5 and 13 of Schedule 7 (and accordingly paragraphs 5 and 13 of Schedule 7).

(a) 2006 c.49.
(b) 1988 c.52.

Signed by authority of the Secretary of State for Transport

Rosie Winterton
Minister of State
Department for Transport

22nd August 2007

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 24th September 2007 the following provisions of the Road Safety Act 2006.

Section 14 which amends section 45(7) (effect of endorsement: period for which effective) of the Road Traffic Offenders Act 1988 (c.53) (the "RTOA") so as to add to that section an offence under section 7A(6) (failing to allow a specimen to be subjected to laboratory test) of the Road Traffic Act 1988 (c.52) (the "RTA"). This means that where a person is found guilty of an offence under section 7A(6) of the RTA, the endorsement will remain effective for a period of eleven years from the conviction.

Section 23 which 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 (careless, and inconsiderate, driving) from level 4 on the standard scale to level 5.

Section 24 which 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 to level 2.

Section 25 which 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 (using vehicle in dangerous condition etc.) if the offence is committed within three years of a previous conviction for the same offence. The section also amends section 34 of the RTOA so as to provide that, with regard to any such offence committed in those circumstances, obligatory disqualification will be for not less than six months.

Section 27 which 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) from a fine of level 3 on the standard scale to level 5. The 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 (c.40) the section 163 offence was amended to refer to "mechanically propelled vehicle".

Section 28 which amends Part 2 of Schedule 2 to the RTOA to add an entry for the offence under section 35 (furious driving) of the Offences against the Person Act 1861 (24 & 25 Vict c.100).

Section 29 which amends Part 1 of Schedule 2 to the RTOA by raising from 3 to 6 the number of penalty points which can be imposed for the offence of failing to provide information about the identity of a driver.

Section 30 which inserts a new section 3ZA in the RTA which relates to the meaning of driving without due care and attention so far as the new section has effect for the purposes of sections 3 and 3A of the RTA.

Section 31 which amends section 3A of the RTA (causing death by careless driving when under the influence of drink or drugs etc.) and section 24(1) of the RTOA (alternative verdicts). The effect is that a person who causes another's death by driving a motor vehicle without due care and attention commits an offence under section 3A if, after a specimen of his blood has been taken under section 7A (specimens of blood taken from persons incapable of consenting), he fails to

give permission for his blood to be subjected to a laboratory test. Conviction of the offence under section 7A(6) (failing to give permission for a laboratory test) can be an alternative verdict where a prosecution for the offence under section 3A has been unsuccessful.

Section 32 which amends section 23 of the RTOA (alternative verdicts in Scotland). The effect is that conviction for an offence listed in new subsection (1A) will be available as an alternative verdict where a prosecution for culpable homicide has been unsuccessful. This section applies only to trials in Scotland.

Section 33 which amends section 24 of the RTOA (alternative verdicts). The effect is that conviction of an offence listed in new subsection (A2) will be available as an alternative verdict where a prosecution for manslaughter in connection with the driving of a mechanically propelled vehicle has been unsuccessful.

Section 41 which amends section 99ZC(1) of the RTA (driver training courses: supplementary) and sections 173(2) (forgery of documents etc.) and 174(1) (false statements) of that Act. Section 99ZC of the RTA sets out the provisions which regulations made under section 99ZA (compulsory driver training courses) of the RTA may include and the effect of the amendments is that provision may be made regarding those persons giving instruction on compulsory driver training courses and to make available information about persons providing, or giving instruction on, driver training courses. The effect of the amendment to section 173(2) of the RTA is that the provisions of that section apply to a document evidencing the successful completion of a compulsory driver training course. The effect of the amendment to section 174(1) of the RTA is that a person who knowingly makes a false statement for the purpose of obtaining a document evidencing the successful completion of a compulsory driver training course is guilty of an offence.

Section 43 which inserts a new section 162A (approved test assistants) in the RTA. This gives the Secretary of State power to provide for a statutory scheme regulating the use of persons who may accompany persons at tests.

Section 59, in so far as it relates to paragraphs 5 and 13 of Schedule 7, (and accordingly paragraphs 5 and 13 of Schedule 7) which contain repeals relating to the period of endorsement for failure to allow specimen to be tested and driver training.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Road Safety Act 2006 have been brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 26	27th February 2007	2007/237
Section 36	27th February 2007	2007/237
Section 40	27th February 2007	2007/237
Section 44	16th March 2007	2007/466
Section 50	27th February 2007	2007/237
Section 52	16th March 2007	2007/466
Section 59, in so far as it relates to paragraphs 9, 12 and 16 of Schedule 7, (and accordingly paragraphs 9, 12 and 16 of Schedule 7).	27th February 2007	2007/237

STATUTORY INSTRUMENTS

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