



Road Traffic Act 1972

1972 CHAPTER 20

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Offences connected with driving of motor vehicles

1 Causing death by reckless or dangerous driving

- (1) A person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be guilty of an offence.
- (2) Section 20 of the Coroners (Amendment) Act 1926 (which makes special provision where the coroner is informed before the jury have given their verdict that some person has been charged with one of the offences specified in that section) shall apply to an offence against this section as it applies to manslaughter.

2 Reckless, and dangerous, driving generally

If a person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be guilty of an offence.

3 Careless, and inconsiderate, driving

If a person drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons using the road, he shall be guilty of an offence.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

4 Driving under age

- (1) A person shall not drive on a road a motor vehicle of a class specified in the first column of the following Table if he is under the age specified in relation thereto in the second column of that Table.

TABLE

<i>Class of motor vehicle</i>	<i>Age</i>
1. Motor cycle or invalid carriage	16
2. Motor car	17
3. Tractor used primarily for work on land in connection with agriculture	17
4. Heavy locomotive, light locomotive, motor tractor or heavy motor car, but not including such a tractor as is mentioned in paragraph 3	21

- (2) Regulations may provide that in relation to motor cycles or, if it is so prescribed by the regulations, in relation to motor cycles of a class so prescribed, the foregoing Table shall have effect as if it specified such minimum age as may be so prescribed, not being less than—

- (a) 16 years, in the case of motor cycles other than those of the class specified in the following paragraph;
- (b) 15 years, in the case of motor cycles whereof the cylinder capacity of the engine does not exceed 50 cubic centimetres, being cycles equipped with pedals by means whereof they are capable of being propelled ;

but a person shall not be prohibited by virtue of regulations having effect by virtue of this subsection from driving motor cycles of any class if at any time before the coming into force of the regulations he has held or was entitled (on making the requisite application and declaration and on payment of the appropriate fee) to the grant of a licence, other than a provisional licence, authorising him to drive that class of motor cycle or if at the time of the coming into force of the regulations he holds a provisional licence.

- (3) Regulations may provide—

- (a) that the age under which a person may not drive on a road a motor car constructed as mentioned in section 190(9) of this Act shall, if the motor car is of a class specified in the regulations, and is driven with a trailer attached to it in the manner mentioned in that subsection, be 21 instead of 17 ;
- (b) that the age under which a person may not drive on a road a tractor used primarily for work on land in connection with agriculture shall, if the tractor is of a class specified in the regulations and is driven in circumstances so specified, be 16 instead of 17;
- (c) that the age under which a person may not drive on a road a road roller falling within paragraph 4 of the Table set out in subsection (1) above shall, if the roller is of a class specified in the regulations and is driven in circumstances so specified, be 17 instead of 21 ;

but—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (i) a person shall not be prohibited by virtue of regulations under paragraph (a) above from driving a motor car of any class if at any time before the coming into force of the regulations he has held, or was entitled (on making the requisite application and declaration and on payment of the appropriate fee) to the grant of, a licence, other than a provisional licence, authorising him to drive that class of motor car; and
 - (ii) a person under the age of 17 who has not passed the prescribed test of competence to drive such a tractor as is mentioned in paragraph (b) above shall not be authorised by regulations made under that paragraph to drive such a tractor on a road except while taking, proceeding to or returning from such a test.
- (4) A person who drives, or causes or permits a person to drive, a motor vehicle in contravention of the provisions of this section shall be guilty of an offence.

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

- (1) A person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence.
- (2) Without prejudice to subsection (1) above, a person who, when in charge of a motor vehicle which is on a road or other public place, is unfit to drive through drink or drugs shall be 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 motor 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) 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.
- (5) A constable may arrest without warrant a person committing an offence under this section.

6 Driving, or being in charge, with blood-alcohol concentration above the prescribed limit

- (1) If a person drives or attempts to drive a motor vehicle on a road or other public place, having consumed alcohol in such a quantity that the proportion thereof in his blood, as ascertained from a laboratory test for which he subsequently provides a specimen under section 9 of this Act, exceeds the prescribed limit at the time he provides the specimen, he shall be guilty of an offence.
- (2) Without prejudice to subsection (1) above, if a person is in charge of a motor vehicle on a road or other public place having consumed alcohol as aforesaid, he shall be guilty of an offence.
- (3) A person shall not be convicted under this section of being in charge of a motor 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 there was any probability of his having alcohol in his blood in a proportion exceeding the prescribed limit.
- (4) In determining for the purposes of subsection (3) above the likelihood of a person's driving a motor vehicle when he is injured or the vehicle is damaged, the jury, in the

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

case of proceedings on indictment, may be directed to disregard, and the court in any other case may disregard, the fact that he had been injured or that the vehicle had been damaged.

7 Evidence on charge of unfitness to drive

- (1) In any proceedings for an offence under section 5 of this Act, the court shall, subject to section 10(5) thereof, have regard to any evidence which may be given of the proportion or quantity of alcohol or of any drug which was contained in the blood or present in the body of the accused, as ascertained by analysis of a specimen of blood taken from him with his consent by a medical practitioner, or of urine provided by him, at any material time; and if it is proved that the accused, when so requested by a constable at any such time, refused to consent to the taking of or to provide a specimen for analysis, his refusal may, unless reasonable cause therefor is shown, be treated as supporting any evidence given on behalf of the prosecution, or as rebutting any evidence given on behalf of the defence, with respect to his condition at that time.
- (2) A person shall not be treated for the purposes of subsection (1) above as refusing to provide a specimen unless—
 - (a) he is first requested to provide a specimen of blood, but refuses to do so ;
 - (b) he is then requested to provide two specimens of urine within one hour of the request, but fails to provide them within the hour or refuses at any time within the hour to provide them; and
 - (c) he is again requested to provide a specimen of blood, but refuses to do so.
- (3) The first specimen of urine provided in pursuance of a request under subsection (2) (b) above shall be disregarded for the purposes of subsection (1) above.

8 Breath tests

- (1) A constable in uniform may require any person driving or attempting to drive a motor vehicle on a road or other public place to provide a specimen of breath for a breath test there or nearby, if the constable has reasonable cause—
 - (a) to suspect him of having alcohol in his body, or
 - (b) to suspect him of having committed a traffic offence while the vehicle was in motion ;but no requirement may be made by virtue of paragraph (b) above unless it is made as soon as reasonably practicable after the commission of the traffic offence.
- (2) If an accident occurs owing to the presence of a motor vehicle on a road or other public place, a constable in uniform may require any person who he has reasonable cause to believe was driving or attempting to drive the vehicle at the time of the accident to provide a specimen of breath for a breath test—
 - (a) except while that person is at a hospital as a patient, either at or near the place where the requirement is made or, if the constable thinks fit, at a police station specified by the constable ;
 - (b) in the said excepted case, at the hospital;but a person shall not be required to provide such a specimen while at a hospital as a patient if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) A person who, without reasonable excuse, fails to provide a specimen of breath for a breath test under subsection (1) or (2) above shall be guilty of an offence.
- (4) If it appears to a constable in consequence of a breath test carried out by him on any person under subsection (1) or (2) above that the device by means of which the test is carried out indicates that the proportion of alcohol in that person's blood exceeds the prescribed limit, the constable may arrest that person without warrant except while that person is at a hospital as a patient.
- (5) If a person required by a constable under subsection (1) or (2) above to provide a specimen of breath for a breath test fails to do so and the constable has reasonable cause to suspect him of having alcohol in his body, the constable may arrest him without warrant except while he is at a hospital as a patient.
- (6) Subsections (4) and (5) above shall not be construed as prejudicing the provisions of section 5(5) of this Act.
- (7) A person arrested under this section, or under the said section 5(5), shall, while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.
- (8) In this section " traffic offence " means an offence under any provision of this Act except Part V thereof or under any provision of Part III of the Road Traffic Act 1960 or the Road Traffic Regulation Act 1967.

9 Laboratory tests

- (1) A person who has been arrested under section 5(5) or 8 of this Act may, while at a police station, be required by a constable to provide a specimen for a laboratory test (which may be a specimen of blood or of urine), if he has previously been given an opportunity to provide a specimen of breath for a breath test at that station under subsection (7) of the said section 8, and either—
 - (a) it appears to a constable in consequence of the breath test that the device by means of which the test is carried out indicates that the proportion of alcohol in his blood exceeds the prescribed limit, or
 - (b) when given the opportunity to provide that specimen, he fails to do so.
- (2) A person while at a hospital as a patient may be required by a constable to provide at the hospital a specimen for a laboratory test—
 - (a) if it appears to a constable in consequence of a breath test carried out on that person under section 8(2) of this Act that the device by means of which the test is carried out indicates that the proportion of alcohol in his blood exceeds the prescribed limit, or
 - (b) if that person has been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, but fails to do so and a constable has reasonable cause to suspect him of having alcohol in his body;

but a person shall not be required to provide a specimen for a laboratory test under this subsection if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision, the requirement to provide it or a warning under subsection (7) below would be prejudicial to the proper care or treatment of the patient.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) A person who, without reasonable excuse, fails to provide a specimen for a laboratory test in pursuance of a requirement imposed under this section shall be guilty of an offence.
- (4) Nothing in the foregoing provisions of this section shall affect the provisions of section 7(1) of this Act.
- (5) A person shall not be treated for the purposes of subsection (3) above as failing to provide a specimen unless—
 - (a) he is first requested to provide a specimen of blood, but refuses to do so ;
 - (b) he is then requested to provide two specimens of urine within one hour of the request, but fails to provide them within the hour or refuses at any time within the hour to provide them ; and
 - (c) he is again requested to provide a specimen of blood, but refuses to do so.
- (6) The first specimen of urine provided in pursuance of a request under subsection (5) (b) above shall be disregarded for the purposes of section 6 of this Act.
- (7) A constable shall on requiring any person under this section to provide a specimen for a laboratory test warn him that failure to provide a specimen of blood or urine may make him liable to imprisonment, a fine and disqualification, and, if the constable fails to do so, the court before which that person is charged with an offence under section 6 of this Act or this section may direct an acquittal or dismiss the charge, as the case may require.

In this subsection " disqualification " means disqualification for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act.

10 Ancillary provisions as to evidence in proceedings for an offence under s.5 or 6

- (1) For the purposes of any proceedings for an offence under section 5 or 6 of this Act, a certificate purporting to be signed by an authorised analyst, and certifying—
 - (a) the proportion of alcohol or any drug found in a specimen identified by the certificate, and
 - (b) for the purposes only of proceedings for an offence under the said section 5, in the case of a specimen of urine, the proportion of alcohol or of that drug in the blood which corresponds to the proportion found in the specimen,
 shall, subject to subsection (3) below, be evidence of the matters so certified and of the qualification of the analyst.
- (2) For the purposes of any proceedings for an offence under the said section 5 or 6, a certificate purporting to be signed by a medical practitioner that he took a specimen of blood from a person with his consent shall, subject to subsection (3) below, be evidence of the matters so certified and of the qualification of the medical practitioner.
- (3) Subsections (1) and (2) above shall not apply to a certificate tendered on behalf of the prosecution unless a copy has been served on the accused not less than seven days before the hearing or trial, nor if the accused, not less than three days before the hearing or trial, or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing or trial of the person by whom the certificate was signed.

A copy of a certificate required by this subsection to be served on the accused or of a notice required by this subsection to be served on the prosecutor may either be

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

personally served on the accused or the prosecutor (as the case may be) or sent to him by registered post or the recorded delivery service.

- (4) In any proceedings in Scotland for an offence under the said section 5 or 6, a certificate complying with subsection (1) or (2) above and, where the person by whom such a certificate was signed is called as a witness, the evidence of that person, shall be sufficient evidence of the facts stated in the certificate.
- (5) Where, in proceedings for an offence under the said section 5 or 6 the accused, at the time a specimen of blood or urine was taken from or provided by him, asked to be supplied with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen shall not be admissible on behalf of the prosecution unless—
 - (a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken or provided, and
 - (b) the other specimen or part was supplied to the accused.
- (6) A constable requesting any person to consent to the taking of or to provide a specimen of blood or urine for analysis shall offer to supply to him, in a suitable container, part of the specimen or, in the case of a specimen of blood which it is not practicable to divide, another specimen which he may consent to have taken.
- (7) In this section " authorised analyst" means any person possessing the qualifications prescribed by regulations made under section 89 of the Food and Drugs Act 1955, or section 27 of the Food and Drugs (Scotland) Act 1956, as qualifying persons for appointment as public analysts under those Acts, and any other person authorised by the Secretary of State to make analyses for the purposes of this section.

11 Detention of persons while affected by alcohol

Any person required to provide a specimen for a laboratory test under section 9(1) of this Act may thereafter be detained at the police station until he provides a specimen of breath for a breath test and it appears to a constable that the device by means of which the test is carried out indicates that the proportion of alcohol in that person's blood does not exceed the prescribed limit.

12 Interpretation of ss.6 to 11

- (1) In sections 6 to 11 of this Act, except so far as the context otherwise requires—
 - " breath test " means a test for the purpose of obtaining an indication of the proportion of alcohol in a person's blood carried out by means of a device of a type approved for the purpose of such a test by the Secretary of State, on a specimen of breath provided by that person;
 - " fail ", in relation to providing a specimen, includes refuse and " failure " shall be construed accordingly ;
 - " hospital " means an institution which provides medical or surgical treatment for in-patients or out-patients ;
 - " laboratory test " means the analysis of a specimen provided for the purpose ;
 - " the prescribed limit " means 80 milligrammes of alcohol in 100 millilitres of blood or such other proportion as may be prescribed by regulations made by the Secretary of State.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) A person shall be treated for the purposes of sections 6 and 9 of this Act as providing a specimen of blood if, but only if, he consents to the specimen being taken by a medical practitioner and it is so taken and shall be treated for those purposes as providing it at the time it is so taken.
- (3) References in sections 8, 9 and 11 of this Act to providing a specimen of breath for a breath test are references to providing a specimen thereof in sufficient quantity to enable that test to be carried out.
- (4) For the purposes of the said section 6 and this section 107 milligrammes of alcohol in 100 millilitres of urine shall be treated as equivalent to 80 milligrammes of alcohol in 100 millilitres of blood, and the power conferred by subsection (1) above to prescribe some other proportion of alcohol in the blood shall include power to prescribe a proportion of alcohol in urine which is to be treated as equivalent to the prescribed proportion of alcohol in the blood.

13 Person liable to be charged with offence under ss.5, 6 or 9 not liable to be charged with certain other offences

A person liable to be charged with an offence under section 5, 6 or 9 of this Act shall not be liable to be charged—

- (a) under section 12 of the Licensing Act 1872, with the offence of being drunk while in charge, on a highway or other public place, of a carriage, or
- (b) under section 70 of the Licensing (Scotland) Act 1903, with the offence of being drunk while in charge, in a street or other place, of a carriage.

14 Motor racing on highways

A person who promotes or takes part in a race or trial of speed between motor vehicles on a public highway shall be guilty of an offence.

15 Regulation of motoring events on highways

- (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 highway shall be guilty of an offence unless the competition or trial is authorised, and 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 such competitions and trials as aforesaid, either generally, or 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.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

16 Restriction on carriage of persons on motorcycles

It shall not be lawful for more than one person in addition to the driver to be carried on a two-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat; and if a person is carried on a cycle in contravention of this section, the driver of the cycle shall be guilty of an offence.