

Status: This is the original version (as it was originally enacted).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

SCHEDULES

SCHEDULE 4

Sections 93, 101, 177, 179, 180, 181, 183.

PROSECUTION AND PUNISHMENT OF OFFENCES

PART I

Offences under this Act

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
1	Causing death by reckless or dangerous driving.	On indictment.	5 years or, in the case of a conviction by a court in Scotland other than the High Court of Justiciary, 2 years.	Obligatory.	Obligatory.	Section 181 and paragraph 3 of Part IV of this Schedule apply.
2	Reckless, and dangerous, driving generally.	(a) Summarily. (b) On indictment.	4 months or £100 or both; or in the case of a second or subsequent conviction 6 months or £100 or both. 2 years or a fine or both.	(a) Obligatory, if committed within 3 years after a previous conviction of an offence under section 1 or 2. (b) Discretionary if committed otherwise than as	Obligatory.	Sections 179, 181 and 183 and paragraphs 1, 2, 3, 5 and 6 of Part IV of this Schedule apply.

Status: This is the original version (as it was originally enacted).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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
3	Careless, and inconsiderate, driving.	Summarily.	£100; or in the case of a second or subsequent conviction 3 months or £100 or both.	mentioned in paragraph (a) above. Discretionary	Obligatory.	Sections 179, 181 and 183 and paragraphs 4 and 7 of Part IV of this Schedule apply.
4(4)	Driving under age.	Summarily.	£50.	Discretionary	Obligatory.	Sections 181 and 183 apply.
5(1)	Driving or attempting to drive when unfit to drive through drink or drugs.	(a) Summarily.	4 months or £100 or both; or in the case of a second or subsequent conviction or of a conviction subsequent to a conviction of an offence under section 6(1) or 9(3) (where it was shown as mentioned in paragraph (i) of the entry in this column relating to that offence),	Obligatory.	Obligatory.	Sections 181 and 183 and paragraph 3 of Part IV of this Schedule apply.

Status: This is the original version (as it was originally enacted).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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
5(2)	Being in charge of a motor vehicle when unfit to drive through drink or drugs.	(a) Summarily. (b) On indictment.	6 months or £100 or both. 2 years or a fine or both. Discretionary	Obligatory.	Sections 181 and 183 and paragraph 3 of Part IV of this Schedule apply.	4 months or £100 or both. 12 months or a fine or both.
6(1)	Driving or attempting to drive with blood-alcohol concentration above the prescribed limit.	(a) Summarily.	4 months or £100 or both; or in the case of a second or subsequent conviction or of a conviction subsequent to a conviction of an offence under section 5(1) or 9(3) (where it was shown as mentioned in paragraph (i) of the entry in this column relating to that offence), 6 months	Obligatory.	Obligatory.	Sections 181 and 183 and paragraph 3 of Part IV of this Schedule apply.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
6(2)	Being in charge of a motor vehicle with blood-alcohol concentration above the prescribed limit.	(a) Summarily. (b) On indictment.	or £100 or both. 2 years or a fine or both. 4 months or £100 or both. 12 months or a fine or both.	Discretionary	Obligatory.	Sections 181 and 183 and paragraph 3 of Part IV of this Schedule apply.
8(3)	Failing to provide a specimen of breath for a breath test.	Summarily.	£50.	—	—	Sections 181 and 183 apply.
9(3)	Failing to provide a specimen of blood or urine for a laboratory test.	(a) Summarily.	(i) Where it is shown that at the relevant time (as defined in Part V of this Schedule) the offender was driving or attempting to drive a motor vehicle on a road or other public place, 4 months or £100 or both; or in the case of a	(a) Obligatory if it is shown as mentioned in paragraph (i) of column 4.	Obligatory.	Sections 181 and 183 and paragraph 3 of Part IV of this Schedule apply.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
			<p>conviction subsequent to a conviction under section 5(1) or 6(1) or to a conviction under section 9(3) where it was so shown, 6 months or £100 or both.</p> <p>(ii) Where in any other case it is shown that at that time the offender was in charge of a motor vehicle on a road or other public place, 4 months or £100 or both.</p>			
		(b) On indictment.	(iii) 2 years or a fine or both in the case of a conviction where it is shown as mentioned in paragraph (i) above.	(b) Discretionary if it is not so shown.		

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
14	Motor racing and speed trials on highways.	Summarily.	(iv) 12 months or a fine or both in the case of a conviction where it is shown as mentioned in paragraph (ii) above. 3 months or £100 or both.	Obligatory.	Obligatory.	Sections 181 and 183 apply.
15	Other unauthorised or irregular competitions or trials on highways.	Summarily.	£50.	—	—	—
16	Carrying passenger on motor-cycle contrary to section 16.	Summarily.	£20.	Discretionary	Obligatory.	Sections 181 and 183 apply.
17	Reckless, and dangerous, cycling.	Summarily.	£30; or in the case of a second or subsequent conviction 3 months or £30.	—	—	Sections 179, 181 and 183 apply.
18	Careless, and inconsiderate, cycling.	Summarily.	£10; or in the case of a second or subsequent conviction £20.	—	—	Sections 179, 181 and 183 and paragraphs 4 and 7 of Part IV of this

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
19	Cycling when unfit through drink or drugs.	Summarily.	£30; or in the case of a second or subsequent conviction 3 months or £30.	—	—	Schedule apply. Sections 181 and 183 apply.
20	Unauthorised or irregular cycle racing or trials of speed on highways.	Summarily.	£10.	—	—	Sections 181 and 183 apply.
21	Carrying passenger on bicycle contrary to section 21.	Summarily.	£5; or in the case of a second or subsequent conviction £10.	—	—	Sections 181 and 183 apply.
22	Failing to comply with traffic directions.	Summarily.	£50.	Discretionary, if committed in respect of a motor vehicle by a failure to comply with a direction of a constable or an indication given by a sign specified for the purposes of this paragraph in regulations made by the	Obligatory, if committed as described in the entry in column 5 relating to this offence.	Sections 179, 181 and 183 apply.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
				Secretary of State for the Environment and the Secretary of State for Scotland acting jointly.		
23	Pedestrian failing to stop when directed by constable regulating traffic-	Summarily.	£10; or in the case of a second or subsequent conviction £25.	—	—	—
24	Leaving vehicles in dangerous positions.	Summarily.	£50; or in the case of a second or subsequent conviction 3 months or £50.	Discretionary if committed in respect of a motor vehicle.	Obligatory, if committed in respect of a motor vehicle.	Sections 179, 181 and 183 apply.
25(4)	Failing to stop after accident and give particulars or report accident.	Summarily.	3 months or £50.	Discretionary.	Obligatory.	Sections 181 and 183 apply.
26(2)	Obstructing inspection of vehicles after accident.	Summarily.	£50.	—	—	—
29	Tampering with motor vehicles.	Summarily.	3 months or £50.	—	—	Section 181 applies.
30(1)	Holding or getting on to vehicle in order to be carried.	Summarily.	£10.	—	—	Section 181 applies.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
30(2)	Holding on to vehicle in order to be towed.	Summarily.	£10.	—	—	Sections 181 and 183 apply.
31(1)	Dogs on designated roads without being held on lead.	Summarily.	£5.	—	—	—
32(3)	Driving or riding motor cycles in contravention of regulations requiring wearing of protective headgear.	Summarily.	£50.	—	—	—
33	Selling, etc., helmet not of prescribed type as helmet for affording protection for motor cyclists.	Summarily.	£20; or in the case of a second or subsequent conviction 3 months or £50 or both.	—	—	—
34(4)	Causing, etc. heavy motor vehicles to be driven or to haul without proper crew.	Summarily.	£20; or in the case of a second or subsequent conviction 3 months or £50.	—	—	Section 181 applies.
35(3)	Unauthorised motor vehicle trial on	Summarily.	£50.	—	—	Sections 181 and 183 apply.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
36	footpaths or bridleways. Driving motor vehicles elsewhere than on roads.	Summarily.	£10.	—	—	Sections 181 and 183 apply.
40(5)	Contravention of construction and use regulations.	Summarily.	£200 in the case of an offence of using, or causing or permitting the use of, a goods vehicle— (a) so as to cause, or to be likely to cause, danger by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its	Discretionary if committed by using, or causing or permitting the use of, any motor vehicle or trailer— (a) as described in paragraph (a) in the entry in column 4 relating to this offence; or (b) in breach of a construction and use requirement as to brakes, steering-gear, or tyres; except where the offender	Obligatory if committed as described in the entry in column 5 relating to this offence, but subject to the exception in paragraph (a) mentioned.	Sections 181 and 183 apply.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
44(1)	Using, etc., vehicle without required test certificate being in force.	Summarily.	load; or (b) in breach of a construction and use requirements as to brakes, steering gear, tyres or any description of weight; £50 in any other case. £50.	proves that he did not know and had no reasonable cause to suspect that the facts of the case were such that the offence would be committed.	—	Sections 181 and 183 apply.
Regulations under 45(7)	Contravention of requirement of regulations that driver of goods vehicle being tested be present throughout test or drive vehicle, etc., which is declared by regulations to be an offence.	Summarily.	£50.	—	—	—

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
46(1)	Using, etc., goods vehicle without required plating certificate being in force.	Summarily.	£50.	—	—	Sections 181 and 183 apply.
46(2)	Using, etc., goods vehicle without required goods vehicle test certificate being in force.	Summarily.	£50.	—	—	Sections 181 and 183 apply.
46(3)	Using, etc., goods vehicle with alteration thereto required to be but not notified to Secretary of State under regulations under section 45.	Summarily.	£50.	—	—	Sections 181 and 183 apply.
Regulations under 50(5)	Contravention of requirement of regulations that driver of goods vehicle being tested after notifiable alteration	Summarily.	£50.	—	—	—

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
51(1)	be present throughout test and drive vehicle, etc., which is declared by regulations to be an offence. Using, etc., goods vehicle without required certificate being in force showing that it complies with type approval requirements applicable to it.	Summarily.	£50.	—	—	Sections 181 and 183 apply.
51(2)	Using, etc., certain goods vehicles for drawing trailer when plating certificate does not specify maximum laden weight for vehicle and trailer.	Summarily.	£50.	—	—	Sections 181 and 183 apply.
51(3)	Using, etc., goods vehicle with	Summarily.	£50.	—	—	Sections 181 and 183 apply.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
53(4)	alteration thereto required to be but not notified to Secretary of State under regulations under section 48. Obstructing testing of vehicle by examiner on road or failing to comply with requirements of section 53 or Schedule 3.	Summarily.	£20.	—	—	—
54(5) (including application by 55(3))	Failure of owner of vehicle discovered to be defective on roadside test or further test to give required certificate or declaration.	Summarily.	£50.	—	—	—
54(6) (including application by 55(3))	Failure of person in charge of vehicle on roadside test or further test to give	Summarily.	£20.	—	—	—

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
55(5)	particulars of owner. Obstructing further testing of vehicle by Secretary of State's officer or failing to comply with requirements of section 55 or paragraph 3 or 4 of Schedule 3.	Summarily.	£20.	—	—	—
56(3)	Obstructing goods vehicle examiner inspecting goods vehicle or entering premises where such vehicle believed to be.	Summarily.	£20; or in the case of a second or subsequent conviction £50.	—	—	—
56(5)	Person in charge of stationary goods Vehicle refusing etc., to proceed to nearby place of inspection.	Summarily.	£50.	—	—	—
57(9)	Driving, etc., goods vehicle in	Summarily.	£50.	—	—	Sections 181 and 183 apply.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
59(3)	contravention of prohibition on driving it as being unfit for service. Contravention of regulations requiring goods vehicle operator to inspect, and keep records of inspections of, goods vehicles.	Summarily.	£50.	—	—	—
60(3)	Selling, etc., unroadworthy vehicle or trailer or altering vehicle or trailer so as to make it unroadworthy.	Summarily.	£100.	—	—	—
61(2)	Obstructing examiner testing condition of used vehicles at sale rooms, etc.	Summarily.	£50.	—	—	—
62	Selling, etc., goods vehicle without required certificate being in force	Summarily.	£100.	—	—	—

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
65(5)	showing that it complies with type approval requirements applicable to it. Drawing more than prescribed number of trailers.	Summarily.	£50	—	—	Sections 181 and 183 apply.
66(5)	Selling, etc., pedal cycle in contravention of regulations as to brakes, bells, etc.	Summarily.	£50.	—	—	—
81(0)	Causing, etc., vehicle to be on road in contravention of provisions as to lighting, etc., of vehicles.	Summarily.	£50.	—	—	Sections 181 and 183 apply.
81(2)	Selling, etc., wrongly made tail lamps or reflectors.	Summarily.	£20.	—	—	—
84(1)	Driving without a licence.	Summarily.	£50	Discretionary, if the offence is committed by driving a motor	Obligatory, if committed as described in the entry	Sections 181 and 183 apply.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
				vehicle in a case where either no licence authorising the driving of that vehicle could have been granted to the offender or, if a provisional (but no other) licence to drive it could have been granted to him, the driving would not have complied with the conditions thereof.	in column 5 relating to this offence.	
84(2)	Employing a person to drive without a licence.	Summarily.	£50.	—	—	Section 181 applies.
88(6)	Failing to comply with any conditions prescribed for driving under provisional licence or full licence treated as	Summarily.	£50.	Discretionary	Obligatory.	Sections 181 and 183 apply.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
89(3)	provisional licence. Driving licence holder failing, when his particulars become incorrect, to surrender licence and give particulars.	Summarily.	£20.	—	—	—
91(1)	Driving with uncorrected defective eyesight.	Summarily.	3 months or £50.	Discretionary	Obligatory.	—
91(2)	Refusing to submit to test of eyesight.	Summarily.	£50.	Discretionary	Obligatory.	—
99(a)	Obtaining driving licence while disqualified.	Summarily.	6 months or £50 or both.	—	—	Section 180 applies.
99(b)	Driving while disqualified.	(a) Summarily. (b) On indictment.	6 months or £50 or both. 12 months or £100 or both.	Discretionary	Obligatory.	Sections 180, 181 and 183 apply.
101(4) (including application by 103(4))	Failing to produce licence to court for endorsement on conviction of offence involving obligatory	Summarily.	£50.	—	—	—

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
101(6)	<p>endorsement or on committal for sentence, etc., for offence involving obligatory or discretionary disqualification when no interim disqualification ordered.</p> <p>Applying for or obtaining licence without giving particulars of current endorsement.</p>	Summarily.	£50.	—	—	—
103(2)	<p>Failing to produce driving licence to court making order for interim disqualification</p> <p>On committal for sentence, etc.</p>	Summarily.	£50.	—	—	—
104(4)	Failing to state to court or give information as to date	Summarily.	£50.	—	—	—

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
104(5)	of birth or sex. Failing to furnish Secretary of State with evidence of date of birth etc.	Summarily.	£50.	—	—	—
111(2)	Failing to produce to court Northern Ireland driving licence.	Summarily.	£50.	—	—	—
112(1)	Driving heavy goods vehicle without heavy goods vehicle driver's licence.	Summarily.	£20; or in the case of a second or subsequent conviction 3 months or £50.	—	—	Sections 181 and 183 apply.
112(2)	Employing a person to drive heavy goods vehicle without heavy goods vehicle driver's licence.	Summarily.	£20; or in the case of a second or subsequent conviction 3 months or £50.	—	—	Section 181 applies.
114(3)	Failing to comply with conditions of heavy goods vehicle	Summarily.	£20; or in the case of a second or subsequent conviction 3 months or £50.	—	—	Sections 181 and 183 apply.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
Regulations under 119(2)	driver's licence. Contravention of regulations about heavy goods vehicle drivers' licences which is declared by regulation to be an offence.	Summarily.	£20.	—	—	—
126(3)	Giving of paid driving instruction by unregistered and unlicensed persons or their employers.	Summarily.	4 months or £100 or both.	—	—	—
135(2)	Unregistered instructor using title or displaying badge, etc., prescribed for registered instructor, and employers using such title, etc., in relation to his unregistered instructor or issuing	Summarily.	£100.	—	—	—

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
136	misleading advertisement, etc. Failure of instructor to surrender to Registrar certificate or licence.	Summarily.	£50.	—	—	—
137(3)	Failing to produce certificate of registration or licence as driving instructor.	Summarily.	£50.	—	—	—
143	Using motor vehicle while uninsured or unsecured against third-party risks.	Summarily.	3 months or £50 or both.	Discretionary	Obligatory.	Sections 180, 181 and 183 apply.
147(4)	Failing to surrender certificate of insurance or security to insurer on cancellation or make statutory declaration of loss or destruction.	Summarily.	£50.	—	—	—
151(2)	Failing to give information, or wilfully	Summarily.	£50.	—	—	—

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
159	making false statement, as to insurance or security when claim made. Failing to stop vehicle when required by constable.	Summarily.	£50.	—	—	Sections 181 and 183 apply.
160(1)	Refusing or neglecting to allow motor vehicle or trailer to be weighed, etc.	Summarily.	£50.	—	—	Sections 181 and 183 apply.
161(4)	Failing to produce driving licence to constable or to state date of birth.	Summarily.	£50.	—	—	Sections 181 and 183 apply.
161(5)	Failing to furnish Secretary of State with evidence of date of birth, etc.	Summarily.	£50.	—	—	—
162(1)	Failing to give constable certain names and addresses or to produce	Summarily.	£50.	—	—	Sections 181 and 183 apply.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
162(3)	certificate of insurance or certain test and other like certificates. Supervisor of learner-driver failing to give constable certain names and addresses.	Summarily.	£50.	—	—	Section 181 applies.
164(1)	Refusing to give, or giving false, name and address in case of reckless, dangerous, careless or inconsiderate driving or cycling.	Summarily.	£20; or in the case of a second or subsequent conviction, 3 months or £50.	—	—	Sections 181 and 183 apply.
165	Pedestrian failing to give constable his name and address after failing to stop when directed by constable controlling traffic.	Summarily.	£5.	—	—	—
166(1)	Failure by driver, in case of accident involving	Summarily.	£50.	—	—	Sections 181 and 183 apply.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
167	injury to another, to produce evidence of insurance or security or to report accident. Failure by owner of motor vehicle to give police information for verifying compliance with requirement of compulsory insurance or security.	Summarily.	£20; or in the case of a second or subsequent conviction, 3 months or £50.	—	—	Sections 181 and 183 apply.
168(3)	Failure of person keeping vehicle and others to give police information as to identity of driver, etc., in the case of certain offences.	Summarily.	£50.	—	—	—
169(1)	Forgery, etc., of licences, test certificates, certificates of insurance and other	(a) Summarily. (b) On indictment	4 months or £100 or both. 2 years.	—	—	Section 180 applies.

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
170(1)	documents and things. Making false statements in connection with licences under this Act and with registration as an approved driving instructor.	Summarily.	4 months or £100 or both.	—	—	Section 180 applies.
170(2)	Making, or making use of, false statements relating to goods vehicles.	Summarily.	4 months or £100 or both.	—	—	—
170(3)	Producing false evidence or making false declaration in connection with applications for vehicle excise licences for vehicles required to have test certificates.	Summarily.	4 months or £100 or both.	—	—	—
170(4)	Making false statements as to the remedying	Summarily.	4 months or £100 or both.	—	—	—

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
170(5)	of defects discovered in vehicles on roadside tests. Making, or making use of, false entry in records required to be kept of condition of goods vehicles.	Summarily.	4 months or £100 or both.	—	—	—
170(6)	Making false statement or withholding material information in order to obtain the issue of insurance certificates, etc.	Summarily.	4 months or £100 or both.	—	—	Section 180 applies.
171	Issuing false insurance certificates, etc., or false test certificates.	Summarily.	6 months or £100 or both.	—	—	Section 180 applies.
172	Using goods vehicle with unauthorised weights as well as authorised weights marked thereon.	Summarily.	£50.	—	—	—

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
174	Personation of, or of person employed by, authorised examiner.	Summarily.	£100.	—	—	—
175	Taking, etc., in Scotland a motor vehicle without authority or, knowing that it has been so taken, driving it or allowing oneself to be carried in it without authority.	(a) Summarily. (b) On indictment.	3 months or £50. 12 months or a fine or both.	Discretionary	Obligatory.	Sections 181 and 183 and paragraph 8 of Part IV of this Schedule apply.
187(2)	Failing to attend, give evidence or produce documents to, inquiry held by Secretary of State, etc.	Summarily.	£5.	—	—	—
Schedule 1 para. 5(1)	Applying warranty to protective helmet in defending proceedings under section 33 where no warranty given.	Summarily.	£20; or in the case of a second or subsequent conviction 3 months or £50 or both.	—	—	—

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

1	2	3	4	5	6	7
Provision creating offence	General nature of offence	Mode of prosecution	Punishment	Disqualification	Endorsement	Additional provisions
para. 5(2)	Giving to purchaser of protective helmet a false warranty in case where warranty might be defence in proceedings under section 33.	Summarily.	£20; or in the case of a second or subsequent conviction 3 months or £50 or both.	—	—	—

PART II

Other Offence Involving Obligatory Disqualification and Endorsement

Manslaughter or, in Scotland, culpable homicide by the driver of a motor vehicle.

PART III

Other Offences Involving Discretionary Disqualification and Obligatory Endorsement

- 1 Stealing or attempting to steal a motor vehicle.
- 2 An offence, or attempt to commit an offence, in respect of a motor vehicle under section 12 of the Theft Act 1968 (taking conveyance without consent of owner etc. or, knowing it has been so taken, driving it or allowing oneself to be carried in it).
- 3 An offence under section 25 of the Theft Act 1968 (going equipped for stealing, etc.) committed with reference to the theft or taking of motor vehicles.
- 4 An offence under section 13(4) of the Road Traffic Regulation Act 1967 (contravention of traffic regulations on special roads) committed in respect of a motor vehicle otherwise than by unlawfully stopping or allowing the vehicle to remain at rest on a part of a special road on which vehicles are in certain circumstances permitted to remain at rest.
- 5 An offence under section 23(5) of the Road Traffic Regulation Act 1967 (contravention of pedestrian crossing regulations) committed in respect of a motor vehicle.
- 6 An offence under section 25(2) of the Road Traffic Regulation Act 1967 (failure to obey sign exhibited by school crossing patrol) committed in respect of a motor vehicle.

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

- 7 An offence under section 26(6) or 26A(5) of the Road Traffic Regulation Act 1967 (contravention of order prohibiting or restricting use of street playground by vehicles) committed in respect of a motor vehicle.
- 8 An offence punishable by virtue of section 78A of the Road Traffic Regulation Act 1967 (speeding offences under that and other Acts).

PART IV

Supplementary provisions as to prosecution, trial and punishment of offences

- 1 Upon the trial of a person who is indicted for culpable homicide in Scotland in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under section 2, to find him guilty of that offence.
- 2 If upon the trial in Scotland of a person for an offence under section 1 the jury are not satisfied that his driving was the cause of the death, but are satisfied that he is guilty of driving as mentioned in section 2, it shall be lawful for them to convict him of an offence under section 2.
- 3 A contravention occurring in Scotland of any of the provisions of this Act or of any regulations made thereunder, which is directed to be prosecuted summarily and which, if it had been triable on indictment, could competently have been libelled as an additional or alternative charge in an indictment charging a person with culpable homicide in respect of the driving or attempted driving or use of a motor vehicle, or with a contravention of section 1, 2, 5, 6 or 9 may, notwithstanding the direction aforesaid, be so libelled and may be tried accordingly.
- In this paragraph any reference to a contravention of regulations includes a reference to a failure to comply with regulations.
- 4 Where a person is charged in England or Wales before a magistrates' court with an offence under section 2 or with an offence under section 17, and the court is of opinion that the offence is not proved, then, at any time during the hearing or immediately thereafter the court may, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence under section 3 or, as the case may be, section 18 to be preferred forthwith against the defendant and may thereupon proceed with that charge, so however that he or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charge's being so preferred, adjourn the hearing.
- 5 Where a person is prosecuted on indictment in England or Wales for an offence to which section 179 does not apply, section 179(2) shall not be taken to prejudice any power of the jury on the charge for that offence, if they find him not guilty of it, to find him guilty of an offence against section 2.
- 6 In Scotland a person may be convicted of an offence against section 2 by virtue of paragraph 1 or 2 above notwithstanding that the requirement of section 179(2) has not been satisfied as respects that offence.

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

- 7 A person may be convicted of an offence against section 3 or 18 notwithstanding that the requirement of section 179(2) has not been satisfied as respects that offence where—
- (a) the charge for the offence has been preferred against him by virtue of paragraph 4 above, and
 - (b) the said requirement has been satisfied, or does not apply, as respects the alleged offence against section 2 or, as the case may be, section 17.
- 8 If on the trial of an indictment in Scotland for stealing a motor vehicle the jury are of the opinion that the accused was not guilty of stealing the motor vehicle but was guilty of an offence under section 175, the jury may find him guilty of an offence under the said section 175 and thereupon he shall be liable to be punished accordingly.

PART V

Interpretation

- 1 For the purposes of the entries in Part I of this Schedule relating to an offence under section 5(1), 6(1) or 9(3) "the relevant time" means—
- (a) in relation to a person required under section 8(1) to provide a specimen of breath for a breath test, the time when he was so required ;
 - (b) in relation to a person required under section 8(2) to provide such a specimen, the time of the accident;
 - (c) in relation to a person arrested under section 5(5), the time of his arrest.
- 2 "Construction and use requirement" has the same meaning for the purposes of this Schedule as it has for the purposes of Part II of this Act.