

SCHEDULES

SCHEDULE 2

Section 26.

AMENDMENT OF SCHEDULE 2 TO THE ROAD TRAFFIC OFFENDERS ACT 1988

1 Part I of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences) shall be amended as follows.

2 In the entry relating to section 16(1) of the Road Traffic Regulation Act 1984 (contravention of temporary prohibition or restriction) in columns 5 to 7 there shall be inserted—

“Discretionary if committed in respect of a speed restriction.	Obligatory if committed in respect of a speed restriction.	3-6 or 3 (fixed penalty)”
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3 In the entry relating to section 17(4) of that Act (use of special road contrary to scheme or regulations), in column 7, for “3” there shall be substituted “3-6 or 3 (fixed penalty) if committed in respect of a speed restriction, 3 in any other case.”

4 In the entry relating to section 89(1) of that Act (exceeding speed limit) in column 7, for “3” there shall be substituted “3-6 or 3 (fixed penalty)”.

5 In the entry relating to section 1 of the Road Traffic Act 1988 (causing death by reckless driving)—

- (a) in column 2 for the word “reckless” there shall be substituted the word “dangerous”, and
- (b) in column 7 for “4” there shall be substituted “3-11”.

6 In the entry relating to section 2 of that Act (reckless driving)—

- (a) in column 2, for the word “Reckless” there shall be substituted the word “Dangerous”;
- (b) for the words in column 5 there shall be substituted the word “Obligatory”; and
- (c) for the words in column 7 there shall be substituted “3-11”.

7 After the entry relating to section 3 of that Act there shall be inserted—

“RTA section 3A	Causing death by careless driving when under influence of drink or drugs.	On indictment.	5 years or a fine or both.	Obligatory. Obligatory. 3-11”.
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- 8 In the entry relating to section 4(1) of that Act (driving or attempting to drive when unfit through drink or drugs) in column 7 for “4” there shall be substituted “3-11”.
- 9 In the entry relating to section 4(2) of that Act (being in charge of a motor vehicle when unfit to drive) in column 2, for the words “motor vehicle” there shall be substituted the words “mechanically propelled vehicle”.
- 10 In the entry relating to section 5(1)(a) of that Act (driving or attempting to drive with excess alcohol in breath, blood or urine) in column 7 for “4” there shall be substituted “3-11”.
- 11 In the entry relating to section 7 of that Act (failing to provide specimen for analysis or laboratory test) in column 7 for the words “4 in case” there shall be substituted the words “3-11 in case”.
- 12 In the entry relating to section 12 of that Act (motor racing and speed trials on public ways) in column 7 for “4” there shall be substituted “3-11”.
- 13 After the entry relating to section 22 of that Act there shall be inserted—

“RTA section 22A	Causing danger to road- users.	(a) Summarily. (b) On indictment.	6 — — — months or the statutory maximum or both. (b) 7 years or a fine or both.	
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- 14 In the entry relating to section 23 of that Act (carrying passenger on motor-cycle contrary to that section), in column 7, for “1” there shall be substituted “3”.
- 15 In the entry relating to section 28 of that Act (dangerous cycling)—
- (a) in column 2 for the word “reckless” there shall be substituted the word “dangerous”; and
- (b) in column 4, for the words “Level 3” there shall be substituted the words “Level 4”.
- 16 In the entry relating to section 29 of that Act (careless and inconsiderate cycling), in column 4, for the words “Level 1” there shall be substituted the words “Level 3”.
- 17 For the entry relating to section 42 of that Act (contravention of construction and use regulations) there shall be substituted—

“RTA 40A	sing vehicle in dangerous condition etc.	Summarily. (a)	Level 3 Discretionary. 5 on the standard scale if	Obligatory. 3
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				committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers.
			(b)	Level 4 on the standard scale in any other case.
RTA section 41A	Breach of Requirement as to brakes, steering- gear or tyres.	Summarily.	(a)	Level 3 Discretionary Obligatory. 5 on the standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers.
			(b)	Level 4 on the standard scale in any

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			other case.			
RTA section 41B	Breach of Requirement as to weight: goods and passenger vehicles.	Summarily.	Level 5 on the standard scale.	—	—	—
RTA section 42	Breach of other construction and use requirements.	Summarily.	(a) Level 4 on the standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers. (b) Level 3 on the standard scale in any other case.	—	—	—”

18 In the entries relating to section 68 and 71 of that Act, in column 2, the word “goods” in each place where it occurs shall be omitted.

19 For the entry relating to section 87(1) of that Act (driving without a licence) there shall be substituted—

“RTA section 87(1)	Driving otherwise than in accordance with a licence.	Summarily.	Level 3 on the standard scale.	Discretionary in a case where the offender’s driving would	Obligatory in the case mentioned in column 5.	3-6”
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not have
been in
accordance
with any
licence
that could
have been
granted to
him.

20 In the entry relating to section 87(2) of that Act (causing or permitting to drive without a licence), in column 2 for the word “without” there shall be substituted the words “otherwise than in accordance with”.

21 After the entry relating to section 92(7C) of that Act there shall be inserted—

“RTA section 92(1A) after making false declaration as to physical fitness.	Driving licence	Summarily. Level 4 on the standard scale.	Discretionary. 3-6”
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22 In the entry relating to section 94 of that Act (failure to notify Secretary of State about disability etc) for the words “Section 94” there shall be substituted the words “Section 94(3)”.

23 After that entry there shall be inserted—

“RTA section 94(3A) after such a failure.	Driving licence	Summarily. Level 3 on the standard scale.	Discretionary. 3-6”
RTA section 94A after refusal of licence under section 92(3) or revocation under section 93.	Driving licence	Summarily. 6 months or level 5 on the standard scale or both.	Discretionary. 3-6”

24 In the entry relating to section 96 of that Act (driving with uncorrected defective eyesight or refusing to submit to test of eyesight) in column 7 for “2” there shall be substituted “3”.

25 In the entry relating to section 103(1)(b) of that Act (obtaining licence, or driving, while disqualified) for the words in column 7 there shall be substituted “6”.

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- 26 In the entry relating to section 143 of that Act (using vehicle while uninsured or unsecured against third-party risks) in column 4 for the words “Level 4” there shall be substituted the words “Level 5”.
- 27 In the entry relating to section 164 of that Act (failing to produce driving licence to constable etc) in column 2 for the words “to constable” there shall be substituted the word “etc”.
- 28 In the entry relating to section 165 of that Act (failing to give constable certain information or to produce documents) the word “constable” shall be omitted.
- 29 In the entry relating to section 170(4) of that Act (failing to stop after accident or give particulars or report accident)—
- (a) for the words in column 4 there shall be substituted “Six months or level 5 on the standard scale or both”; and
 - (b) in column 7 for “8-10” there shall be substituted “5-10”.
- 30 In the entry relating to section 172 of that Act (failure of person keeping vehicle and others to give police information as to identity of driver etc in the case of certain offences) the following shall be inserted in columns 5 to 7—
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| “Discretionary, if committed otherwise than by virtue of subsection (5) or (11). | Obligatory, if committed otherwise than by virtue of subsection (5) or (11). | 3” |
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- 31 In the entry relating to section 178 of that Act (taking etc in Scotland a motor vehicle without authority), the entries in columns 6 and 7 shall be omitted.
- 32 (1) Part II of Schedule 2 to the Road Traffic Offenders Act 1988 (disqualification and endorsement in relation to manslaughter, certain offences of theft etc) shall be amended as follows.
- (2) In the entry relating to manslaughter or culpable homicide, in column 4 for “4” there shall be substituted “3-11”.
 - (3) The entries in columns 3 and 4 relating to stealing or attempting to steal a motor vehicle or to section 12 or 25 of the Theft Act 1968 shall be omitted.