



Road Safety Act 2006

2006 CHAPTER 49

Increases in penalties

23 Careless, and inconsiderate, driving

In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) (prosecution and punishment of offences: offences under the Traffic Acts), in the entry relating to section 3 of the Road Traffic Act 1988 (c. 52) (careless, and inconsiderate, driving), in column (4) (punishment), for “Level 4” substitute “Level 5”.

Commencement Information

11 S. 23 in force at 24.9.2007 by [S.I. 2007/2472](#), [art. 2\(b\)](#)

24 Breach of requirements relating to children and seat belts

In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences: offences under the Traffic Acts), in the entry relating to section 15(4) of the Road Traffic Act 1988 (driving a motor vehicle in contravention of requirements relating to seat belts where children in rear seat), in column (4) (punishment), for “Level 1” substitute “Level 2”.

Commencement Information

12 S. 24 in force at 24.9.2007 by [S.I. 2007/2472](#), [art. 2\(c\)](#)

25 Using vehicle in dangerous condition etc.

- (1) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) (prosecution and punishment of offences: offences under the Traffic Acts), in the entry relating to section 40A of the Road Traffic Act 1988 (c. 52) (using vehicle in dangerous condition etc.), in column (5) (disqualification), for “Discretionary.” substitute—

Changes to legislation: Road Safety Act 2006, Cross Heading: Increases in penalties is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“(a) Obligatory if committed within three years of a previous conviction of the offender under section 40A.
(b) Discretionary in any other case.”

- (2) In section 34 of that Act (disqualification for certain offences), after subsection (4A) insert—

“(4B) Where a person convicted of an offence under section 40A of the Road Traffic Act 1988 (using vehicle in dangerous condition etc.) has within the three years immediately preceding the commission of the offence been convicted of any such offence, subsection (1) above shall apply in relation to him as if the reference to twelve months were a reference to six months.”

Commencement Information

I3 S. 25 in force at 24.9.2007 by [S.I. 2007/2472](#), [art. 2\(d\)](#)

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

- (1) Before section 42 of the Road Traffic Act 1988 insert—

“41D Breach of requirements as to control of vehicle, mobile telephones etc.

A person who contravenes or fails to comply with a construction and use requirement—

- (a) as to not driving a motor vehicle in a position which does not give proper control or a full view of the road and traffic ahead, or not causing or permitting the driving of a motor vehicle by another person in such a position, or
- (b) as to not driving or supervising the driving of a motor vehicle while using a hand-held mobile telephone or other hand-held interactive communication device, or not causing or permitting the driving of a motor vehicle by another person using such a telephone or other device,

is guilty of an offence.”

- (2) In section 42(a) of that Act (breach of other construction and use requirements), before “of” insert “ or 41D ”.
- (3) In Schedule 1 to the Road Traffic Offenders Act 1988 (offences to which certain sections apply), before the entry relating to section 42 of the Road Traffic Act 1988 insert—

“RTA section 41D.	Breach of requirements as to control of vehicle, mobile telephones etc.	Sections 11 and 12(1) of this Act.”
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- (4) In Part 1 of Schedule 2 to that Act (prosecution and punishment of offences: offences under the Traffic Acts), before the entry relating to section 42 of the Road Traffic Act 1988 (c. 52) insert—

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“RTA section 41D	Breach of requirements as to control of vehicle, mobile telephones etc.	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.	Discretionary.	Obligatory. 3.”
			(b) Level 3 on the standard scale in any other case.		

(5) In Schedule 3 to that Act (fixed penalty offences), before the entry relating to section 42 of the Road Traffic Act 1988 insert—

“RTA section 41D	Breach of requirement as to control of vehicle, mobile telephone etc.”
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Commencement Information

I4 S. 26 in force at 27.2.2007 by [S.I. 2007/237](#), [art. 2\(a\)](#)

27 Power of police to stop vehicle

In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) (prosecution and punishment of offences: offences under the Traffic Acts), in the entry relating to section 163 of the Road Traffic Act 1988 (failing to stop mechanically propelled vehicle or cycle when required to do so), in column (4) (punishment), for “Level 3 on the standard scale.” substitute—

“(a) Level 5 on the standard scale if committed by a person driving a mechanically propelled vehicle.
(b) Level 3 on the standard scale if committed by a person riding a cycle.”and, in column (2) (general nature of offence), for “motor” substitute “ mechanically propelled ”.

Commencement Information

I5 S. 27 in force at 24.9.2007 by [S.I. 2007/2472](#), [art. 2\(e\)](#)

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28 **Furious driving**

In Part 2 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences: offences otherwise than under the Traffic Acts), after the entry relating to manslaughter and culpable homicide insert—

“An offence under section 35 of the Offences against the Person Act 1861 (furious driving).	Discretionary.	Obligatory if committed in respect of a mechanically propelled vehicle.	3-9”
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Commencement Information

16 S. 28 in force at 24.9.2007 by [S.I. 2007/2472](#), [art. 2\(f\)](#)

29 **Breach of duty to give information as to identity of driver etc.**

In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) (prosecution and punishment of offences: offences under the Traffic Acts), in the entry relating to section 172 of the Road Traffic Act 1988 (c. 52) (duty to give information as to identity of driver etc. in certain circumstances), in column (7) (penalty points), for “3” substitute “ 6 ”.

Commencement Information

17 S. 29 in force at 24.9.2007 by [S.I. 2007/2472](#), [art. 2\(g\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 6 para. 8A inserted by [2016 c. 16 s. 3\(3\)](#)
- Sch. 6 para. 10A inserted by [2016 c. 16 s. 4\(2\)](#)
- Sch. 6 para. 13(9) inserted by [2016 c. 16 s. 4\(5\)](#)