



Road Safety Act 2006

2006 CHAPTER 49

Other provisions about offences

30 Meaning of driving without due care and attention

In the Road Traffic Act 1988, after section 3 insert—

“3ZA Meaning of careless, or inconsiderate, driving

- (1) This section has effect for the purposes of sections 2B and 3 above and section 3A below.
- (2) A person is to be regarded as driving without due care and attention if (and only if) the way he drives falls below what would be expected of a competent and careful driver.
- (3) In determining for the purposes of subsection (2) above what would be expected of a careful and competent driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.
- (4) A person is to be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving.”

31 Extension of offence in section 3A of Road Traffic Act 1988

- (1) Section 3A of the Road Traffic Act 1988 (causing death by careless driving when under influence of drink or drugs etc.) is amended as follows.
- (2) In subsection (1), after paragraph (c) insert “or
 - (d) he is required by a constable to give his permission for a laboratory test of a specimen of blood taken from him under section 7A of this Act, but without reasonable excuse fails to do so,”.
- (3) In subsection (3), for “and (c)” substitute “, (c) and (d)”.

- (4) In section 24(1) of the Road Traffic Offenders Act 1988 (alternative verdicts), in the Table, in the entry relating to section 3A of the Road Traffic Act 1988, in the second column, after “Section 7(6) (failing to provide specimen)” insert “Section 7A(6) (failing to give permission for laboratory test)”.

32 Alternative verdict on unsuccessful culpable homicide prosecution

- (1) Section 23 of the Road Traffic Offenders Act 1988 (c. 53) (alternative verdicts in Scotland) is amended as follows.
- (2) In subsection (1), for “an offence under section 2 of the Road Traffic Act 1988 (dangerous driving)” substitute “any of the relevant offences”.
- (3) After that subsection insert—

“(1A) For the purposes of subsection (1) above the following are the relevant offences—

- (a) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving),
- (b) an offence under section 2 of that Act (dangerous driving), and
- (c) an offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).”

33 Alternative verdict on unsuccessful manslaughter prosecution

In section 24 of the Road Traffic Offenders Act 1988 (alternative verdicts), before subsection (1) insert—

“(A1) Where—

- (a) a person charged with manslaughter in connection with the driving of a mechanically propelled vehicle by him is found not guilty of that offence, but
- (b) the allegations in the indictment amount to or include an allegation of any of the relevant offences,

he may be convicted of that offence.

(A2) For the purposes of subsection (A1) above the following are the relevant offences—

- (a) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving),
- (b) an offence under section 2 of that Act (dangerous driving),
- (c) an offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs), and
- (d) an offence under section 35 of the Offences against the Person Act 1861 (furious driving).”