



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.

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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—

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- (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

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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.

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- (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.

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- (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

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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.

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- (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.

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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.

Offences connected with riding of pedal cycles

17 Reckless, and dangerous, cycling

If a person rides a cycle, not being 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.

In this section " road " includes a bridleway.

18 Careless, and inconsiderate, cycling

If a person rides a cycle, not being 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.

In this section " road " includes a bridleway.

19 Cycling when under influence of drink or drugs

- (1) A person who, when riding a cycle, not being a motor vehicle, on a road or other public place, is unfit to ride through drink or drugs shall be guilty of an offence.
- (2) A person liable to be charged with an offence under this section 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.
- (3) A constable may arrest without warrant a person committing an offence under this section.
- (4) In this section " unfit to ride through drink or drugs " means, as regards a person riding a cycle, under the influence of drink or a drug to such an extent as to be incapable of having proper control of it.
- (5) In this section " road " includes a bridleway.

20 Regulation of cycle racing on highways

- (1) A person who promotes or takes part in a race or trial of speed on a public highway between cycles, not being motor vehicles, shall be guilty of an offence, unless the race

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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, for the purposes of subsection (1) above, the holding on a public highway other than a bridleway of races or trials of speed of any class or description or a particular race or trial of speed, in such cases as may be prescribed and subject to such conditions 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 race or trial.
- (4) Without prejudice to any other powers exercisable in that behalf, the chief officer of police may give such directions with respect to the movement of, or the route to be followed by, vehicular traffic, during such period, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of the holding of a race or trial of speed authorised by or under regulations under this section, including a direction that any road or part of a road specified in the direction shall be closed during any such period to vehicles or to vehicles of a class so specified.
- (5) In this section " public highway " includes a bridleway but not a footpath.

21 Restriction on carriage of persons on bicycles

It shall not be lawful for more than one person to be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person ; and if a person is carried on a bicycle in contravention of this section, each of the persons carried shall be guilty of an offence. In this section references to a person carried on a bicycle include references to a person riding the bicycle and the reference to a road includes a reference to a bridleway.

Offences connected with traffic generally

22 Drivers to comply with traffic directions

- (1) Where a constable is for the time being engaged in the regulation of traffic in a road, or where a traffic sign, being a sign of the prescribed size, colour and type, or of another character authorised by the Secretary of State under the provisions in that behalf of the Road Traffic Regulation Act 1967, has been lawfully placed on or near a road, a person driving or propelling a vehicle who—
 - (a) neglects or refuses to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic when directed so to do by the constable in the execution of his duty, or
 - (b) fails to comply with the indication given by the sign,
 shall be guilty of an offence.
- (2) A traffic sign shall not be treated for the purposes of this section as having been lawfully placed unless either—
 - (a) the indication given by the sign is an indication of a statutory prohibition, restriction or requirement, or

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- (b) it is expressly provided by or under any provision of this Act or of the Road Traffic Regulation Act 1967 that this section shall apply to the sign or to signs of a type of which the sign is one;

and where the indication mentioned in paragraph (a) of this subsection is of the general nature only of the prohibition, restriction or requirement to which the sign relates a person shall not be convicted of failure to comply with the indication unless he has failed to comply with the said prohibition, restriction or requirement.

- (3) For the purposes of this section a traffic sign placed on or near a road shall be deemed to be of the prescribed size, colour and type, or of another character authorised as mentioned in subsection (1) above, and (subject to subsection (2) above) to have been lawfully so placed, unless the contrary is proved.
- (4) It shall be lawful in Scotland to convict a person of a contravention of this section on the evidence of one witness.

23 Pedestrians to comply with directions to stop given by constables regulating vehicular traffic

Where a constable in uniform is for the time being engaged in the regulation of vehicular traffic in a road, a person on foot who proceeds across or along the carriageway in contravention of a direction to stop given by the constable, in the execution of his duty, either to persons on foot or to persons on foot and other traffic, shall be guilty of an offence.

24 Leaving vehicles in dangerous positions

If a person in charge of a vehicle causes or permits the vehicle or a trailer drawn thereby to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, he shall be guilty of an offence.

Accidents

25 Duty to stop, and furnish particulars, in case of accident

- (1) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby personal injury is caused to a person other than the driver of that motor vehicle or damage is caused to a vehicle other than that motor vehicle or a trailer drawn thereby or to an animal other than an animal in or on that motor vehicle or a trailer drawn thereby, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle.
- (2) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a police station or to a constable as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.
- (3) In this section " animal " means any horse, cattle, ass, mule, sheep, pig, goat or dog.
- (4) A person who fails to comply with this section shall be guilty of an offence.

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26 General provisions as to accident inquiries

- (1) Where an accident arises out of the presence of a motor vehicle on a road, the Secretary of State may direct inquiry to be made into the cause of the accident.
- (2) Where any such accident has occurred, a person authorised by the Secretary of State in that behalf may, on production if so required of his authority, inspect any vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time any premises where the vehicle is ; and if a person obstructs a person so authorised in the performance of his duty under this subsection, he shall be guilty of an offence.
- (3) If in any case the Secretary of State considers that an inquiry to be made by him under this section should be made by means of the holding of a public inquiry, he may direct a public inquiry to be held.
- (4) A report made by or to the Secretary of State as the result of an inquiry under this section shall not be used in evidence by or on behalf of a person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

27 Special provisions as to accident inquiries in Greater London

- (1) Where, owing to the presence of a vehicle on a road, an accident occurs within Greater London and it appears to the Secretary of State that the sole or a contributory cause of the accident was—
 - (a) the nature or character of the road or of the road surface, or
 - (b) a defect in the design or construction of the vehicle or in the materials used in the construction of the road or vehicle,he may, if he thinks fit, cause an inquiry to be held into the cause of the accident.
- (2) In this section " road " includes a highway and a bridge carrying a highway and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not.

28 Inquests on road deaths in Greater London

- (1) Where an accident occurs within Greater London resulting in the death of a person, and it is alleged that, the accident was due to—
 - (a) the nature or character of a road or road surface, or
 - (b) a defect in the design or construction of a vehicle or in the materials used in the construction of a road or vehicle,the coroner holding inquiry into the cause of death shall send to the Secretary of State, or to such officer of his as the Secretary of State may direct, notice in writing of the time and place of holding the inquest, and of the adjourned inquest; and an officer appointed by the Secretary of State for the purpose shall be at liberty at any such inquest to examine any witness, subject nevertheless to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question.
- (2) In this section " road " has the same meaning as in section 27 of this Act.

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Ancillary provisions for preventing, or mitigating effects of, accidents

29 Penalisation of tampering with motor vehicles

If, while a motor vehicle is on a road or on a parking place provided by a local authority, a person otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers with the brake or other part of its mechanism, he shall be guilty of an offence.

30 Penalisation of holding or getting on to vehicle in order to be towed or carried

- (1) If a person otherwise than with lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion on a road, for the purpose of being carried, he shall be guilty of an offence.
- (2) If a person takes or retains hold of a motor vehicle or trailer while in motion on a road for the purpose of being drawn he shall be guilty of an offence.

31 Control of dogs on roads

- (1) A person who causes or permits a dog to be on a designated road without the dog being held on a lead shall be guilty of an offence.
- (2) In this section " designated road " means a length of road specified by an order in that behalf of the local authority in whose area the length of road is situated; and the powers which under this subsection are exercisable by a local authority in England or Wales shall, in the case of a road part of the width of which is in the area of one local authority and part in the area of another, be exercisable by either authority with the consent of the other.
- (3) An order under this section may provide that subsection (1) above shall apply subject to such limitations or exceptions as may be specified in the order, and (without prejudice to the generality of this subsection) subsection (1) above shall not apply to dogs proved to be kept for driving or tending sheep or cattle in the course of a trade or business, or to have been at the material time in use under proper control for sporting purposes.
- (4) An order under this section shall not be made except after consultation with the chief officer of police.
- (5) The Secretary of State may make regulations prescribing the procedure to be followed in connection with the making of orders under this section and requiring the authority making such an order to publish in such manner as may be prescribed by the regulations notice of the making and effect of the order.
- (6) In England or Wales a local authority may institute proceedings for an offence under this section relating to a road in their area.
- (7) In this section " local authority " means the council of a county borough or county district, the Common Council of the City of London or the council of a London borough, or in Scotland a county council or a town council.
- (8) The power conferred by this section to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke it.

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32 Wearing of protective headgear

- (1) The Secretary of State may make regulations requiring, subject to such exceptions as may be specified in the regulations, persons driving or riding (otherwise than in side-cars) on motor cycles of any class specified in the regulations to wear protective headgear of such description as may be so specified.
- (2) Regulations under this section may make different provision in relation to different circumstances.
- (3) Any person who drives or rides on a motor cycle in contravention of regulations under this section shall be guilty of an offence.

33 Protective helmets for motor cyclists

- (1) The Secretary of State may make regulations prescribing (by reference to shape, construction or any other quality) types of helmet recommended as affording protection to persons on or in motor cycles, or motor cycles of different classes, from injury in the event of accident.
- (2) If a person sells, or offers for sale, a helmet as a helmet for affording protection as aforesaid, and the helmet is neither—
 - (a) of a type prescribed under this section, nor
 - (b) of a type authorised under regulations made under this section and sold or offered for sale subject to any conditions specified in the authorisation,he shall, subject to subsection (3) below, be guilty of an offence.
- (3) A person shall not be convicted of an offence under this section in respect of the sale or offer for sale of a helmet if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.
- (4) In England or Wales the council of a county, of a borough or of an urban district, the Greater London Council or the Common Council of the City of London may institute proceedings for an offence under this section.
- (5) The provisions of Schedule 1 to this Act shall have effect in relation to contraventions of this section.
- (6) In this section and in the said Schedule "helmet" includes any head-dress, and references in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

Manning of locomotives and trailers

34 Requirements as to employment of persons to attend to locomotives and trailers

- (1) In the case of heavy locomotives and light locomotives, two persons shall be employed in driving or attending the locomotive whilst being driven on a highway, and where any such locomotive is drawing a trailer or trailers on a highway one or more persons, in addition to the persons employed as aforesaid, shall be employed for the purpose of attending to the trailer or trailers at the rate of one such additional person for each trailer in excess of one:

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Provided that this subsection shall not apply to a road roller while engaged in rolling a road.

- (2) Where a motor vehicle other than a heavy locomotive or a light locomotive is drawing a trailer or trailers on a highway, one person, in addition to the driver of the vehicle, shall be carried either on the vehicle or on a trailer for the purpose of attending to the trailer or trailers.
- (3) For the purposes of this section " trailer " does not include a vehicle used solely for carrying water for the purposes of the drawing vehicle or an agricultural vehicle not constructed to carry a load.
- (4) If a person causes or permits a motor vehicle or trailer to be driven or drawn in contravention of this section, he shall be guilty of an offence.
- (5) The Secretary of State may by regulations vary the requirements of this section in respect of any class of motor vehicles or any class of trailers, and regulations made under this subsection with respect to a class of vehicles may make different provision in different circumstances.

Restrictions on use of motor vehicles off roadway

35 Control of use of footpaths and bridleways for motor vehicle trials

- (1) No person shall promote or take part in a trial of any description between motor vehicles on a footpath or bridleway unless the holding of the trial has been authorised under this section by the local authority.
- (2) A local authority shall not give an authorisation under this section unless satisfied that consent in writing to the use of any length of footpath or bridleway for the purposes of the trial has been given by the owner and by the occupier of the land over which that length of footpath or bridleway runs, and any such authorisation may be given subject to compliance with such conditions as the authority think fit.
- (3) A person who contravenes subsection (1) above, or fails to comply with any conditions subject to which an authorisation under this section has been granted, shall be guilty of an offence.
- (4) No statutory provision prohibiting or restricting the use of footpaths or bridleways or a specified footpath or bridleway shall affect the holding of a trial authorised under this section; but this section shall not prejudice any right or remedy of a person as having an interest in any land.
- (5) In this section " local authority "—
 - (a) as respects England and Wales, means the council of a county or county borough, except that in relation to a footpath or bridleway for which the council of a borough, not being a county borough, or of an urban district is the highway authority, the said expression means that council;
 - (b) as respects Scotland, means a county council or town council;and in this subsection " county borough " includes a London borough.

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36 Prohibition of driving motor vehicles elsewhere than on roads

- (1) Subject to the provisions of this section, if without lawful authority a person drives a motor vehicle on to or upon any common land, moorland or other land of whatsoever description, not being land forming part of a road, or on any road being a footpath or bridleway, he shall be guilty of an offence.
- (2) It shall not be an offence under this section to drive a motor vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.
- (3) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.
- (4) It is hereby declared that nothing in this section prejudices the operation of section 193 of the Law of Property Act 1925 (which relates to the rights of the public over commons and waste lands), or of any byelaws applying to any land or affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass or in particular confers a right to park a vehicle on any land.

Road safety information and road training

37 The Highway Code

- (1) The Highway Code shall continue to have effect subject however to revision in accordance with subsection (2) below.
- (2) The Secretary of State may from time to time revise the Highway Code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.
- (3) Any alterations proposed to be made in the provisions of the Highway Code on a revision thereof shall, as soon as prepared by the Secretary of State, be laid before both Houses of Parliament, and the revised Code shall not be issued until the proposed alterations have been approved by both Houses.
- (4) Subject to subsection (3) above, the Secretary of State shall cause the Highway Code and every revised edition thereof to be printed and may cause copies thereof to be sold to the public at such price as he may determine.
- (5) A failure on the part of a person to observe a provision of the Highway Code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act, the Road Traffic Act 1960 or the Road Traffic Regulation Act 1967) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.
- (6) In this section "the Highway Code" means the code comprising directions for the guidance of persons using roads issued and revised under section 45 of the Road Traffic Act 1930 or section 74 of the Road Traffic Act 1960.

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38 Powers of Secretary of State and local authorities as to giving road safety information and training

- (1) The Secretary of State may, with the approval of the Treasury, provide for promoting road safety by disseminating information or advice relating to the use of roads.
- (2) A local authority shall have power to make arrangements for the purposes of subsection (1) above or for giving practical training to road users or any class or description of road users, and to make contributions towards the cost of arrangements for the like purposes made by other authorities or bodies.
- (3) Where, not less than two months before the beginning of a financial year, the Secretary of State on an examination of arrangements proposed to be made under subsection (2) above by a local authority in England or Wales, being the council of a non-county borough or urban district, is satisfied that arrangements so made are likely to be effective and notifies the local authority that he is so satisfied, then, from the beginning of that year until a notification by the Secretary of State to the local authority that he is no longer so satisfied takes effect, the expenditure of the county council in respect of the cost of arrangements or of contributions, made by the county council under subsection (2) above shall not be chargeable on the area of the first-mentioned authority.

A notification by the Secretary of State that he is no longer satisfied as aforesaid shall take effect at the end of the financial year in which it is given or, if it is given during the last two months of a financial year, at the end of the next following financial year.

- (4) The provisions of Schedule 2 to this Act shall have effect for authorising the payment of travelling and other allowances in connection with arrangements made by a local authority under subsection (2) above.
- (5) In this section " local authority " means—
 - (a) as respects England and Wales, the council of a county, a borough or an urban district, or the Greater London Council, or the Common Council of the City of London;
 - (b) as respects Scotland, a county council or town council.
- (6) Any expenses incurred under this section by the Secretary of State shall be defrayed out of moneys provided by Parliament.

39 Powers of Secretary of State to subsidise bodies other than local authorities for giving road safety information and training

The Secretary of State may, with the approval of the Treasury, make out of moneys provided by Parliament contributions towards the cost of any such arrangements as are mentioned in section 38(2) of this Act, being arrangements made by authorities or bodies other than local authorities within the meaning of that section.