



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART I

#### PRINCIPAL ROAD SAFETY PROVISIONS

##### *Driving offences*

#### [<sup>F1</sup>1 **Causing death by dangerous driving.**

A person who causes the death of another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.]

#### Textual Amendments

**F1** Ss. 1-2A substituted (1.7.1992) for ss. 1-2 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s.1](#); S.I. 1992/1286, [art. 2](#), Sch.

#### [<sup>F2</sup>1A **Causing serious injury by dangerous driving**

- (1) A person who causes serious injury to another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.
- (2) In this section “serious injury” means—
  - (a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and
  - (b) in Scotland, severe physical injury.]

#### Textual Amendments

**F2** S. 1A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 143\(2\)](#), [151\(1\)](#) (with s. 143(4)); S.I. 2012/2770, [art. 2\(b\)](#)

*Status: Point in time view as at 26/10/2022.*

*Changes to legislation: Road Traffic Act 1988, Cross Heading: Driving offences is up to date with all changes known to be in force on or before 26 April 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)*

## [<sup>F3</sup>2 Dangerous driving.

A person who drives a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.]

### Textual Amendments

**F3** Ss. 1- 2A substituted (1.7.1992) for ss. 1-2 by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s.1](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

## [<sup>F4</sup>2A Meaning of dangerous driving.

(1) For the purposes of sections 1 [<sup>F5</sup>, 1A] and 2 above a person is to be regarded as driving dangerously if (and, subject to subsection (2) below, only if)—

- (a) the way he drives falls far below what would be expected of a competent and careful driver, and
- (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

[<sup>F6</sup>But this subsection does not apply where subsection (1B) applies.]

[ Subsection (1B) applies where a designated person—

- <sup>F7</sup>(1A) (a) is driving for police purposes (subject to subsections (1E) and (1F)), and  
(b) has undertaken prescribed training.

(1B) For the purposes of sections 1, 1A and 2 above, the designated person is to be regarded as driving dangerously if (and, subject to subsection (2) below, only if)—

- (a) the way the person drives falls far below what would be expected of a competent and careful constable who has undertaken the same prescribed training, and
- (b) it would be obvious to such a competent and careful constable that driving in that way would be dangerous.

(1C) In subsections (1A) and (1B) “designated person” means—

- (a) a constable,
- (b) a member of staff appointed by the chief officer of police of a police force in England and Wales,
- (c) a member of staff appointed by a local policing body and employed to assist a police force in England and Wales,
- (d) a member of staff appointed by the Scottish Police Authority under section 26(1) of the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#)),
- (e) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003,
- (f) a person employed or engaged by—
  - (i) a chief officer of police,
  - (ii) the British Transport Police Authority,
  - (iii) the Civil Nuclear Police Authority,
  - (iv) the chief constable for the Ministry of Defence Police, or
  - (v) the Scottish Police Authority,

to train a person within any of paragraphs (a) to (e) to drive for police purposes,

*Status: Point in time view as at 26/10/2022.*

*Changes to legislation: Road Traffic Act 1988, Cross Heading: Driving offences is up to date with all changes known to be in force on or before 26 April 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)*

- (g) a person employed or engaged by a person within paragraph (f)(i) to (v) to train another person to carry out training of the kind mentioned in that paragraph,
  - (h) a National Crime Agency officer, or
  - (i) a person engaged by the National Crime Agency—
    - (i) to train a National Crime Agency officer to drive for law enforcement purposes, or
    - (ii) to train another person to carry out training of the kind mentioned in sub-paragraph (i).
- (1D) In subsection (1C)(a) “constable” does not include a port constable within the meaning of section 7 of the Marine Navigation Act 2013 or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964.
- (1E) In the case of a National Crime Agency officer, the reference in subsection (1A)(a) to driving for police purposes is to be read as a reference to driving for law enforcement purposes.
- (1F) In the case of a person within paragraph (i) of subsection (1C), the reference in subsection (1A)(a) to driving for police purposes is to be read as a reference to driving for the purpose of the training mentioned in that paragraph.]
- (2) A person is also to be regarded as driving dangerously for the purposes of sections 1 [F5, 1A] and 2 above if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.
- (3) In subsections (1) [F8, (1B)] and (2) above “dangerous” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver [F9 or constable (as the case may be)] 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) In determining for the purposes of subsection (2) above the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.]

#### Textual Amendments

- F4** Ss. 1-2A substituted (1.7.1992) for ss. 1-2 by Road Traffic Act 1991 (c. 40, SIF 107:1), s.1; S.I. 1992/1286, art. 2, Sch.
- F5** Word in s. 2A(1)(2) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 143(3), 151(1); S.I. 2012/2770, art. 2(b)
- F6** Words in s. 2A(1) inserted (26.10.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 5(2), 208(1) (with s. 5(5)); S.I. 2022/1075, reg. 3(a)
- F7** S. 2A(1A)-(1F) inserted (26.10.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 5(3), 208(1) (with s. 5(5)); S.I. 2022/1075, reg. 3(a)
- F8** Word in s. 2A(3) inserted (26.10.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 5(4)(a), 208(1) (with s. 5(5)); S.I. 2022/1075, reg. 3(a)
- F9** Words in s. 2A(3) inserted (26.10.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 5(4)(b), 208(1) (with s. 6(5)); S.I. 2022/1075, reg. 3(a)

*Status: Point in time view as at 26/10/2022.*

*Changes to legislation: Road Traffic Act 1988, Cross Heading: Driving offences is up to date with all changes known to be in force on or before 26 April 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)*

### [<sup>F10</sup>2B **Causing death by careless, or inconsiderate, driving**

A person who causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.]

#### Textual Amendments

**F10** S. 2B inserted (18.8.2008) by Road Safety Act 2006 (c. 49), ss. 20(1), 61(1) (with s. 61(4)(5)); S.I. 2008/1918, art. 2

### [<sup>F11</sup>2C **Causing serious injury by careless, or inconsiderate, driving**

- (1) A person who causes serious injury to another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.
- (2) In this section “serious injury” means—
  - (a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and
  - (b) in Scotland, severe physical injury.]

#### Textual Amendments

**F11** S. 2C inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 87(1), 208(5) (i)

### [<sup>F12</sup>3 **Careless, and inconsiderate, driving.**

If a person drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence.]

#### Textual Amendments

**F12** S. 3 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 2; S.I. 1992/1286, art. 2, Sch.

### [<sup>F13</sup>3ZA **Meaning of careless, or inconsiderate, driving**

- (1) This section has effect for the purposes of sections 2B [<sup>F14</sup>, 2C] 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. [<sup>F15</sup>But this subsection does not apply where subsection (2B) applies.]

[ Subsection (2B) applies where a designated person—

- <sup>F16</sup>(2A) (a) is driving for police purposes (subject to subsections (2E) and (2F)), and

*Status: Point in time view as at 26/10/2022.*

*Changes to legislation: Road Traffic Act 1988, Cross Heading: Driving offences is up to date with all changes known to be in force on or before 26 April 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)*

- (b) has undertaken prescribed training.
- (2B) The designated person is to be regarded as driving without due care and attention if (and only if) the way the person drives falls below what would be expected of a competent and careful constable who has undertaken the same prescribed training.
- (2C) In subsections (2A) and (2B) “designated person” means—
- (a) a constable,
  - (b) a member of staff appointed by the chief officer of police of a police force in England and Wales,
  - (c) a member of staff appointed by a local policing body and employed to assist a police force in England and Wales,
  - (d) a member of staff appointed by the Scottish Police Authority under section 26(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8),
  - (e) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003,
  - (f) a person employed or engaged by—
    - (i) a chief officer of police,
    - (ii) the British Transport Police Authority,
    - (iii) the Civil Nuclear Police Authority,
    - (iv) the chief constable for the Ministry of Defence Police, or
    - (v) the Scottish Police Authority,to train a person within any of paragraphs (a) to (e) to drive for police purposes,
  - (g) a person employed or engaged by a person within paragraph (f)(i) to (v) to train another person to carry out training of the kind mentioned in that paragraph,
  - (h) a National Crime Agency officer, or
  - (i) a person engaged by the National Crime Agency—
    - (i) to train a National Crime Agency officer to drive for law enforcement purposes, or
    - (ii) to train another person to carry out training of the kind mentioned in sub-paragraph (i).
- (2D) In subsection (2C)(a) “constable” does not include a port constable within the meaning of section 7 of the Marine Navigation Act 2013 or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964.
- (2E) In the case of a National Crime Agency officer, the reference in subsection (2A)(a) to driving for police purposes is to be read as a reference to driving for law enforcement purposes.
- (2F) In the case of a person within paragraph (i) of subsection (2C), the reference in subsection (2A)(a) to driving for police purposes is to be read as a reference to driving for the purpose of the training mentioned in that paragraph.]
- (3) In determining for the purposes of subsection (2) [F17 or (2B)] above what would be expected of a careful and competent driver [F18 or constable (as the case may be)] 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.

*Status: Point in time view as at 26/10/2022.*

*Changes to legislation: Road Traffic Act 1988, Cross Heading: Driving offences is up to date with all changes known to be in force on or before 26 April 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)*

- (4) A person is to be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving.]

#### Textual Amendments

- F13** S. 3ZA inserted (24.9.2007 for certain purposes and otherwise 18.8.2008) by [Road Safety Act 2006](#) (c. 49), **ss. 30, 61**; S.I. 2007/2472, **art. 2(h)**; S.I. 2008/1918, **art. 2**
- F14** Word in s. 3ZA(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), **ss. 87(2), 208(5)(i)**
- F15** Words in s. 3ZA(2) inserted (26.10.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), **ss. 6(2), 208(1)** (with s. 6(5)); S.I. 2022/1075, **reg. 3(b)**
- F16** S. 3ZA(2A)-(2F) inserted (26.10.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), **ss. 6(3), 208(1)** (with s. 6(5)); S.I. 2022/1075, **reg. 3(b)**
- F17** Words in s. 3ZA(3) inserted (26.10.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), **ss. 6(4)(a), 208(1)** (with s. 6(5)); S.I. 2022/1075, **reg. 3(b)**
- F18** Words in s. 3ZA(3) inserted (26.10.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), **ss. 6(4)(b), 208(1)** (with s. 6(5)); S.I. 2022/1075, **reg. 3(b)**

#### [<sup>F19</sup>3ZB Causing death by driving: unlicensed<sup>F20</sup> ... or uninsured drivers

A person is guilty of an offence under this section if he causes the death of another person by driving a motor vehicle on a road and, at the time when he is driving, the circumstances are such that he is committing an offence under—

- (a) section 87(1) of this Act (driving otherwise than in accordance with a licence),
- (b) <sup>F21</sup>... or
- (c) section 143 of this Act (using motor vehicle while uninsured <sup>F22</sup>...)].

#### Textual Amendments

- F19** S. 3ZB inserted (18.8.2008) by [Road Safety Act 2006](#) (c. 49), **ss. 21(1), 61(1)** (with s. 61(4)(5)); S.I. 2008/1918, **art. 2**
- F20** Word in s. 3ZB heading omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015](#) (c. 2), s. 95(1), **Sch. 6 para. 1(3)** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75
- F21** S. 3ZB(b) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015](#) (c. 2), s. 95(1), **Sch. 6 para. 1(2)** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75
- F22** Words in s. 3ZB(c) omitted (1.11.2019) by virtue of [The Motor Vehicles \(Compulsory Insurance\) \(Miscellaneous Amendments\) Regulations 2019](#) (S.I. 2019/1047), reg. 1, **Sch. 1 para. 2** (with reg. 5)

#### [<sup>F23</sup>3ZC Causing death by driving: disqualified drivers

A person is guilty of an offence under this section if he or she—

- (a) causes the death of another person by driving a motor vehicle on a road, and
- (b) at that time, is committing an offence under section 103(1)(b) of this Act (driving while disqualified).

*Status: Point in time view as at 26/10/2022.*

*Changes to legislation: Road Traffic Act 1988, Cross Heading: Driving offences is up to date with all changes known to be in force on or before 26 April 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)*

#### Textual Amendments

**F23** Ss. 3ZC-3ZD inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 29(1), 95(1)** (with [s. 29\(3\)\(5\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 24](#)

### **3ZD Causing serious injury by driving: disqualified drivers**

- (1) A person is guilty of an offence under this section if he or she—
  - (a) causes serious injury to another person by driving a motor vehicle on a road, and
  - (b) at that time, is committing an offence under section 103(1)(b) of this Act (driving while disqualified).
- (2) In this section “serious injury” means—
  - (a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and
  - (b) in Scotland, severe physical injury.]

#### Textual Amendments

**F23** Ss. 3ZC-3ZD inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 29(1), 95(1)** (with [s. 29\(3\)\(5\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 24](#)

### **[<sup>F24</sup>3A Causing death by careless driving when under influence of drink or drugs.**

- (1) If a person causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, and—
  - (a) he is, at the time when he is driving, unfit to drive through drink or drugs, or
  - (b) he has consumed so much alcohol that the proportion of it in his breath, blood or urine at that time exceeds the prescribed limit, or
  - [ he has in his body a specified controlled drug and the proportion of it in his blood or urine at that time exceeds the specified limit for that drug, or]
  - <sup>F25</sup>(ba)
  - (c) he is, within 18 hours after that time, required to provide a specimen in pursuance of section 7 of this Act, but without reasonable excuse fails to provide it,<sup>F26</sup> 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,]he is guilty of an offence.
- (2) For the purposes of this section a person shall be taken to be unfit to drive at any time when his ability to drive properly is impaired.
- (3) Subsection (1)(b)[<sup>F27</sup>, (ba)][<sup>F28</sup>, (c) and (d)] above shall not apply in relation to a person driving a mechanically propelled vehicle other than a motor vehicle.]



*Status: Point in time view as at 26/10/2022.*

*Changes to legislation: Road Traffic Act 1988, Cross Heading: Driving offences is up to date with all changes known to be in force on or before 26 April 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)*

#### Textual Amendments

- F24** S. 3A inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), **s.3**; S.I. 1992/1286, art. 2, **Sch.**
- F25** [S. 3A\(1\)\(ba\)](#) inserted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 22 para. 2(2)**; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2
- F26** S. 3A(1)(d) and preceding word inserted (24.9.2007) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 31(2)**, 61; S.I. 2007/2472, **art. 2(i)**
- F27** Word in [s. 3A\(3\)](#) inserted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 22 para. 2(3)**; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2
- F28** Words in [s. 3A\(3\)](#) substituted (24.9.2007) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 31(3)**, 61; S.I. 2007/2472, **art. 2(i)**



**Status:**

Point in time view as at 26/10/2022.

**Changes to legislation:**

Road Traffic Act 1988, Cross Heading: Driving offences is up to date with all changes known to be in force on or before 26 April 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.