



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART I

TRIAL

Verdict

23 Alternative verdicts in Scotland.

(1) If on the trial on indictment in Scotland of a person for culpable homicide in connection with the driving of a [^{F1} mechanically propelled vehicle] by him the jury are not satisfied that he is guilty of culpable homicide but are satisfied that he is guilty of [^{F2} any of the relevant offences], they may find him guilty of that offence.

[^{F3}(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),
 - [an offence under section 1A of that Act (causing serious injury by dangerous driving),]
- ^{F4}(aa) 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).]

^{F5}(2)

(3) If on the trial on indictment in Scotland of a person for stealing a motor vehicle the jury are not satisfied that he is guilty of stealing the motor vehicle but are satisfied that he is guilty of an offence under section 178 of that Act (taking motor vehicle without authority etc.), they may find him guilty of an offence under that section.

Textual Amendments

- F1** Words in s. 23(1) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 90\(2\)\(a\)](#); [S.I. 1992/1286, art. 2](#), Sch.

Changes to legislation: Road Traffic Offenders Act 1988, Section 23 is up to date with all changes known to be in force on or before 22 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) [View outstanding changes](#)

- F2** Words in s. 23(1) substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 32(2)**, 61(1)(10); S.I. 2007/2472, art. 2(j)
- F3** S. 23(1A) inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 32(3)**, 61(1)(10); S.I. 2007/2472, art. 2(j)
- F4** S. 23(1A)(aa) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 3**; S.I. 2012/2770, art. 2(g)
- F5** S. 23(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, 83, Sch. 4 para. 90(3), **Sch.8**; S.I. 1992/1286, art. 2, **Sch.Appendix**

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):

- s. 29(2A) inserted by [2006 c. 49 s. 34\(2\)](#)
- s. 30A-30D inserted by [2006 c. 49 s. 34\(3\)](#)
- s. 30C(5)(f) words substituted by [S.I. 2009/1885 Sch. 1 para. 15](#)
- s. 34A(7A) inserted by [2009 c. 25 Sch. 21 para. 90\(3\)\(d\)](#)
- s. 34B(12) added by [2009 c. 25 Sch. 21 para. 90\(4\)\(c\)](#)
- s. 34D-34G inserted by [2006 c. 49 s. 15\(1\)](#)
- s. 34D(1)(d) words inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(a\)](#)
- s. 34D(3) words inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(b\)](#)
- s. 34D(5A) inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(c\)](#)
- s. 34D(6)(a) words substituted by [2009 c. 25 Sch. 21 para. 90\(5\)\(d\)\(i\)](#)
- s. 34D(6)(b) words substituted by [2009 c. 25 Sch. 21 para. 90\(5\)\(d\)\(ii\)](#)
- s. 34D(6A) inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(e\)](#)
- s. 34F(5)(f) words substituted by [S.I. 2009/1885 Sch. 1 para. 17](#)
- s. 35A(6)(a) words substituted by [2012 c. 10 Sch. 13 para. 8\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 35A(6)(b) words inserted by [2012 c. 10 Sch. 13 para. 8\(c\)](#) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 36(13A) inserted by [2006 c. 49 s. 37\(6\)](#)
- s. 40B(9) words substituted by [2006 c. 49 Sch. 2 para. 33](#)
- s. 41B inserted by [2006 c. 49 s. 15\(2\)](#)
- s. 84(1) s. 84 renumbered as s. 84(1) by [2004 c. 28 s. 16\(3\)](#)
- s. 84(2)(3) inserted by [2004 c. 28 s. 16\(3\)](#)
- Sch. 1 para. 3(aa) inserted by [2006 c. 49 s. 15\(3\)\(a\)](#)
- Sch. 1 para. 4(za) inserted by [2006 c. 49 s. 15\(3\)\(b\)](#)