



# Road Traffic Act 1960

## 1960 CHAPTER 16

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD TRAFFIC

##### *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 liable on conviction on indictment to imprisonment for a term not exceeding five years.
- (2) An offence against this section shall not be triable by quarter sessions; and nothing in the foregoing subsection shall be construed as empowering a court in Scotland, other than the High Court of Justiciary, to pass for any such offence a sentence of imprisonment for a term exceeding two years.
- (3) Section twenty 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**

- (1) 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 liable—

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- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment;
  - (b) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (2) If upon the trial of a person for an offence against section one of this Act the jury are not satisfied that his driving was the cause of the death but are satisfied that he is guilty of driving as mentioned in subsection (1) of this section, it shall be lawful for them to convict him of an offence under this section.
- (3) Upon the trial of a person who is indicted for manslaughter in England or Wales, or for culpable homicide in Scotland, in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

### **3 Careless, and inconsiderate, driving**

- (1) 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 liable on summary conviction to a fine not exceeding forty pounds, or in the case of a second or subsequent conviction to a fine not exceeding eighty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (2) Where a person is charged in England or Wales before a magistrates' court with an offence under the last foregoing section, and the court is of opinion that the offence is not proved, then, at any time during the hearing or immediately thereafter the court may, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence under this section to be preferred forthwith against the defendant and may thereupon proceed with that charge, so however that he or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charge's being so preferred, adjourn the hearing.

### **4 Speeding**

- (1) A person convicted of an offence of driving a motor vehicle on a road at a speed exceeding a statutory speed limit shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.
- (2) A person prosecuted for such an offence as aforesaid shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person prosecuted was driving the vehicle at a speed exceeding a specified limit.
- (3) The provisions of subsection (1) of this section shall have effect in substitution for any provision made by or under any enactment relating to a speed limit contained in any Act passed before the thirty-first day of July, nineteen hundred and thirty-four, or under the following provisions of this Act enabling the Minister to regulate traffic in the London Traffic Area, for determining the punishment by way of fine or imprisonment

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to which a person convicted of driving a motor vehicle as aforesaid is to be liable in respect of that offence.

- (4) Notwithstanding anything in the Magistrates' Courts Act, 1952, if a person—
- (a) is convicted by virtue of section thirty-five of that Act of such an offence as is mentioned in subsection (1) of this section as having aided, abetted, counselled or procured a person who is employed by him to drive, or is subject to his orders in driving, a motor vehicle on a road to commit such an offence as aforesaid; or
  - (b) is convicted summarily of the offence of inciting to commit such an offence as aforesaid,

he shall be liable to a fine not exceeding fifty pounds, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

- (5) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time-table or schedule, or gives any directions, under which any journey or any stage or part of any journey is to be completed within some specified time, and it is not practicable in the circumstances of the case for that journey or that stage or part of the journey to be completed in the specified time without the commission of such an offence as is mentioned in subsection (1) of this section, the publication or issue of the said time-table or schedule or the giving of the directions may be produced as prima facie evidence that the employer, as the case may be, procured or incited the persons employed by him to drive the vehicles to commit such an offence as aforesaid.

## **5 Driving under age**

A person who drives, or causes or permits a person to drive, a motor vehicle in contravention of the provisions of this Act relating to the minimum age for driving motor vehicles of different classes and descriptions shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

## **6 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 liable—
- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment;
  - (b) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment
- (2) A person who, when in charge of a motor vehicle which is on a road or other public place (but not driving the vehicle), is unfit to drive through drink or drugs shall be liable—
- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding six months or to both a fine and such imprisonment;

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- (b) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and such imprisonment.

A person shall be deemed for the purposes of this subsection not to have been in charge of a motor vehicle if he proves—

- (i) that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained unfit to drive through drink or drugs; and
  - (ii) that between his becoming unfit to drive as aforesaid and the material time he had not driven the vehicle on a road or other public place.
- (3) A person liable to be charged with an offence under this section shall not be liable to be charged—
- (a) under section twelve 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 seventy of the Licensing (Scotland) Act, 1903, with the offence of being drunk while in charge, in a street or other place, of a carriage.
- (4) A police constable may arrest without warrant a person committing an offence under this section.
- (5) Where a person convicted of an offence under subsection (2) of this section has been previously convicted of an offence under subsection (1) thereof, he shall be treated for the purposes of the said subsection (2) as having been previously convicted under that subsection.
- (6) In this section "unfit to drive through drink or drugs" means under the influence of drink or a drug to such an extent as to be incapable of having proper control of a motor vehicle.

## **7 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 liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

## **8 Restriction on carriage of persons on motor cycles**

- (1) 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.
- (2) If a person is carried on a cycle in contravention of the foregoing subsection, the driver of the cycle shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.