



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 5

#### ROAD TRAFFIC

##### *Road traffic offences*

- 86** **Causing death by dangerous driving or careless driving when under the influence of drink or drugs: increased penalties**
- (1) Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences: offences under the Traffic Acts) is amended as follows.
  - (2) In the entry relating to section 1 of the Road Traffic Act 1988 (causing death by dangerous driving), in column (4) (punishment), for “14 years” substitute “Imprisonment for life”.
  - (3) In the entry relating to section 3A of the Road Traffic Act 1988 (causing death by careless driving when under influence of drink or drugs), in column (4) (punishment), for “14 years” substitute “Imprisonment for life”.
  - (4) Section 34 of the Road Traffic Offenders Act 1988 (disqualification for certain offences) is amended as follows.
  - (5) In subsection (3), in the words after paragraph (d)—
    - (a) after “the offence” insert “(“the new offence”);
    - (b) for “three years” substitute “the period specified in subsection (3A)”.
  - (6) After subsection (3) insert—

“(3A) The period is—

    - (a) six years, where—

- (i) an offence of which the person was convicted within the ten years mentioned in subsection (3) falls within paragraph (aa) of that subsection, and
    - (ii) the new offence also falls within that paragraph;
  - (b) in any other case (but subject to subsection (4ZA)), three years.”
- (7) In subsection (4)—
  - (a) in the words before paragraph (a), after “(3) above” insert “and subsection (4ZA) below”;
  - (b) in paragraph (a)—
    - (i) omit sub-paragraph (ii) (and the “or” after it);
    - (ii) in sub-paragraph (ia), for “that Act” substitute “the Road Traffic Act 1988”;
    - (iii) omit sub-paragraph (iii) (and the “or” before it, but not the “and” after it).
- (8) After subsection (4) insert—
 

“(4ZA) Subsection (1) shall apply as if the reference to twelve months were a reference to five years in relation to a person convicted of—

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

but this is subject to subsection (3) in cases within paragraph (a) of subsection (3A).”
- (9) A provision of this section does not apply in relation to offences committed before the provision comes into force.

## **87 Causing serious injury by careless, or inconsiderate, driving**

- (1) In the Road Traffic Act 1988, after section 2B (causing death by careless, or inconsiderate, driving) insert—

### **“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.”
- (2) In section 3ZA of that Act (meaning of careless, or inconsiderate, driving), in subsection (1), after “sections 2B” insert “, 2C”.



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- (2) A fee may be set at a level that exceeds the cost of an approved course and related administrative expenses, but any excess must be used for the purpose of promoting road safety.
- (3) The Secretary of State may by regulations make further provision about—
- (a) how fees, or components of fees, are to be calculated;
  - (b) the level of fees or components of fees;
  - (c) the use of fee income.
- (4) The regulations may include provision as to the amount, or maximum amount, of a fee or component of a fee.
- (5) In this section—
- “approved course” means a course approved (whether before or after this section comes into force) by a body specified in regulations under subsection (6);
- “fixed penalty offence” means an offence that is a fixed penalty offence for the purposes of Part 3 (see section 51);
- “policing body” means—
- (a) a local policing body, or
  - (b) the British Transport Police Authority;
- “promoting road safety” includes the prevention, detection or enforcement of offences relating to vehicles;
- “prosecution”, in relation to an offence, includes any alternative way of being dealt with for the offence (other than attending an approved course);
- “specified fixed penalty offence” means an offence specified under subsection (6).
- (6) The Secretary of State may by regulations—
- (a) specify fixed penalty offences for the purposes of this section;
  - (b) specify a body to approve courses for the purposes of this section.
- (7) Nothing in this section limits any power to charge fees apart from this section.

### **90H Power to prevent courses being offered for repeat offences: England and Wales**

- (1) The Secretary of State may by regulations prohibit a chief officer from offering an approved course to a person as an alternative to prosecution in England and Wales for a specified fixed penalty offence where—
- (a) there is a course fee, and
  - (b) the person has, within a period specified in the regulations, satisfactorily completed a similar approved course in respect of an earlier specified fixed penalty offence.
- (2) The regulations must include provision for the purpose of identifying what counts as a “similar” course; and that provision may, in particular, confer power on a person to determine what courses count as similar.
- (3) In this section “chief officer” means—
- (a) a chief officer of police of a police force in England and Wales, or

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(b) the Chief Constable of the British Transport Police Force.

(4) In this section the following terms have the meaning given by section 90G(5)—

“approved course”;

“prosecution”;

“specified fixed penalty offence”.

### **90I Further provision about regulations under this Part**

(1) A power to make regulations under this Part is exercisable by statutory instrument.

(2) A statutory instrument containing regulations made by the Secretary of State under this Part is subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Regulations under this Part may include—

(a) incidental or supplementary provision;

(b) different provision for different purposes.”

(2) After Article 91F of the Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10)) insert—

## **“PART 4B**

### **COURSES OFFERED AS ALTERNATIVE TO PROSECUTION**

#### **91G Power to charge fees**

(1) The Chief Constable may charge a fee for enrolment on an approved course offered as an alternative to prosecution for a specified fixed penalty offence.

(2) A fee may be set at a level that exceeds the cost of an approved course and related administrative expenses, but any excess must be used for the purpose of promoting road safety.

(3) The power in paragraph (1) may be exercised only with the approval in writing of the Policing Board.

Such approval may be given—

(a) generally or specifically, and

(b) subject to conditions.

(4) The Department of Justice may by regulations make further provision about—

(a) how fees, or components of fees, are to be calculated;

(b) the level of fees or components of fees;

(c) the use of fee income.

(5) The regulations may include provision as to the amount, or maximum amount, of a fee or component of a fee.

(6) In this Article—

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“approved course” means a course approved (whether before or after this Article comes into operation) by a body specified in regulations under paragraph (7);

“fixed penalty offence” means an offence that is a fixed penalty offence for the purposes of Part 4 (see Article 57);

“promoting road safety” includes the prevention, detection or enforcement of offences relating to vehicles;

“prosecution”, in relation to an offence, includes any alternative way of being dealt with for the offence (other than attending an approved course);

“specified fixed penalty offence” means an offence specified under paragraph (7).

- (7) The Department of Justice may by regulations—
- (a) specify fixed penalty offences for the purposes of this Article;
  - (b) specify a body to approve courses for the purposes of this Article.
- (8) Nothing in this Article limits any power to charge fees apart from this Article.

#### **91H Power to prevent courses being offered for repeat offences**

- (1) The Department of Justice may by regulations prohibit the Chief Constable from offering an approved course to a person as an alternative to prosecution for a specified fixed penalty offence where—
- (a) there is a course fee, and
  - (b) the person has, within a period specified in the regulations, satisfactorily completed a similar approved course in respect of an earlier specified fixed penalty offence.
- (2) The regulations must include provision for the purpose of identifying what counts as a “similar” course; and that provision may, in particular, confer power on a person to determine what courses count as similar.
- (3) In this Article the following terms have the meaning given by Article 91G(6)—
- “approved course”;
  - “prosecution”;
  - “specified fixed penalty offence”.

#### **91I Further provision about regulations under this Part**

- (1) Regulations under this Part are subject to negative resolution.
  - (2) Regulations under Article 91G(4) may be made only with the consent of the Department of Finance.
  - (3) Regulations under this Part may include such incidental or supplementary provision as appears to the Department of Justice to be necessary or expedient.”
- (3) The Secretary of State may by regulations amend Part 3B of the Road Traffic Offenders Act 1988 for the purpose of making provision corresponding or similar

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to section 90G or 90H of that Act in relation to courses offered as an alternative to prosecution in Scotland for a fixed penalty offence.

- (4) In subsection (3) “fixed penalty offence” means an offence that is a fixed penalty offence for the purposes of Part 3 of the Road Traffic Offenders Act 1988 (see section 51 of that Act).
- (5) The Secretary of State must consult the Lord Advocate before making regulations under subsection (3).
- (6) The power to make regulations under subsection (3) is exercisable by statutory instrument.
- (7) A statutory instrument containing regulations under subsection (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

#### *Removal etc of abandoned vehicles*

### **90 Charges for removal, storage and disposal of vehicles**

- (1) Section 102 of the Road Traffic Regulation Act 1984 (charges for removal, storage and disposal of vehicles), as it forms part of the law of England and Wales, is amended as follows.
- (2) In subsection (2), for the words before paragraph (a) substitute “In any such case (but subject in the case of a local authority to subsection (2A))—”.
- (3) For subsection (2A) substitute—
  - “(2A) In the case of a vehicle removed, on any ground mentioned in subsection (1), from an area that is a civil enforcement area for parking contraventions—
    - (a) subsection (2) does not apply to the recovery of charges by a local authority, but
    - (b) the enforcement authority is entitled to recover from any person responsible such charges in respect of the removal, storage and disposal of the vehicle as they may require in accordance with Schedule 9 to the Traffic Management Act 2004.”

#### *Surrender of driving licences*

### **91 Production of licence to the court**

- (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In section 7 (trial: duty of accused to provide licence to the court)—
  - (a) for subsection (1) substitute—
    - “(1) Where—
      - (a) a person who is the holder of a licence is prosecuted for an offence involving obligatory or discretionary disqualification,
      - (b) there is a hearing, and

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- (c) the person attends the hearing,  
the person must bring the licence to the hearing.”;
- (b) omit subsections (1A), (1B), (1C) and (2).
- (3) In section 27 (sentence: production of licence to the court)—
  - (a) for subsection (1) substitute—
    - “(1) Where—
      - (a) a person who is the holder of a licence is convicted of an offence involving obligatory or discretionary disqualification, and
      - (b) a court proposes to make, or makes, an order disqualifying the person,
 the court may require the licence to be produced to it.”;
    - (b) in subsection (3)(b), at the beginning insert “unless the licence is already treated as being revoked under section 37(1),”.

## **92 Surrender of licence to Secretary of State where disqualified**

- (1) After section 37 of the Road Traffic Offenders Act 1988 insert—

### **“37A Surrender of licence to Secretary of State where disqualified**

- (1) This section applies where—
  - (a) a person who is the holder of a licence is disqualified by an order of a court, and
  - (b) the Secretary of State is not already in receipt of the licence.
- (2) The Secretary of State may serve on the person a notice in writing requiring the person to surrender the licence to the Secretary of State at such address as the Secretary of State may determine, before the end of the period of 28 days beginning with the date on which the notice is served.
- (3) A notice under subsection (2) may be served on a person—
  - (a) by delivering it to the person,
  - (b) by leaving it at the person’s proper address, or
  - (c) by sending it to the person by post.
- (4) A person who, without reasonable excuse, fails to comply with a notice under subsection (2) is guilty of an offence.
- (5) For the purposes of—
  - (a) subsection (3), and
  - (b) section 7 of the Interpretation Act 1978 in its application to subsection (3),
 a person’s “proper address” is the person’s latest address as known to the Secretary of State.”
- (2) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences), before the entry relating to section 62 of that Act, insert—



“Section 37A(4) of this Act	Failure to surrender licence to Secretary of State	Summarily	Level 3 on the standard scale”
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### 93 Removal of requirement to surrender licence where fixed penalty notice

(1) The Road Traffic Offenders Act 1988 is amended as follows.

(2) In section 52 (fixed penalty notices), after subsection (2) insert—

“(2A) A fixed penalty notice must give details of the identification information (as defined in section 69(3D)) that may be required under section 69 where the notice relates to an offence involving obligatory endorsement.”

(3) In section 54 (notices on-the-spot etc)—

(a) in subsection (3)—

(i) omit “, and” at the end of paragraph (a);

(ii) omit paragraph (b);

(b) omit subsections (4), (5), (5A), (5B), (6), (7) and (9).

(4) In section 69 (payment of penalties)—

(a) in subsection (2), after “method” insert “and subject to subsection (2A)”;

(b) after that subsection, insert—

“(2A) Where a person has been given a fixed penalty notice under section 54 in respect of an offence involving obligatory endorsement, payment of the penalty may be made as mentioned in subsection (2) only if the letter also contains identification information.”;

(c) after subsection (3), insert—

“(3A) Subsection (3B) applies where—

(a) a person has been given a fixed penalty notice under section 54 in respect of an offence involving obligatory endorsement, and

(b) a method of payment other than that mentioned in subsection (2) is used.

(3B) The penalty is treated as having been paid to the fixed penalty clerk or the Secretary of State in accordance with this Part only if the person—

(a) fulfils the identification requirements, and

(b) makes payment of the penalty to the clerk or the Secretary of State.

(3C) A person fulfils the identification requirements if—

(a) the person provides the clerk or the Secretary of State with identification information, or

(b) the clerk or the Secretary of State is otherwise satisfied of the person’s identity.

(3D) In this section “identification information” means—

(a) the person’s name and date of birth, and

(b) if the person is the holder of a licence, the licence number.”

## 94 Removal of requirement to deliver up licence where conditional offer

- (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In section 75 (issue of conditional offer)—
- (a) in subsection (7), after paragraph (b) (but before the “and” immediately after it) insert—
    - “(ba) give details of the identification information that may be required where the conditional offer relates to an offence involving obligatory endorsement,”;
  - (b) in subsection (8A)(a), for sub-paragraph (ii) substitute—
    - “(ii) where the conditional offer relates to an offence involving obligatory endorsement, fulfils the identification requirements,”;
  - (c) after subsection (8A) insert—
    - “(8B) For the purposes of subsection (8A)(a)(ii), an alleged offender fulfils the identification requirements if—
      - (a) the alleged offender provides the appropriate person with identification information, or
      - (b) the appropriate person is otherwise satisfied of the alleged offender’s identity.
    - “(8C) In this section “identification information” means—
      - (a) the alleged offender’s name and date of birth, and
      - (b) if the alleged offender is the holder of a licence, the licence number.”
- (3) In section 76 (effect of offer and payment of penalty)—
- (a) in subsection (2), for “makes payment of the fixed penalty in accordance with the conditional offer” substitute “has fulfilled the conditions specified in the conditional offer under section 75(8A)(a)”;
  - (b) in subsection (3)(b), omit the words from “together” to “his licence”;
  - (c) in subsection (4), for the words from “requirements” to “fulfilled” substitute “alleged offender has not fulfilled the conditions specified in the conditional offer under section 75(8A)(a)”.
- (4) In section 77A (endorsement of driving records where penalty paid)—
- (a) for subsection (1)(a) substitute—
    - “(a) a conditional offer has been issued to a person (“the alleged offender”) under section 75(1), (2) or (3),”;
  - (b) in subsection (1)(b), for “76” substitute “76(2)”;
  - (c) in subsection (1), in the words after paragraph (b), omit “together with any licence delivered under paragraph (a) above”;
  - (d) in subsection (2), in the words before paragraph (a), omit “and return any licence delivered to him under this section to the alleged offender”;
  - (e) for subsection (2)(b) substitute—
    - “(b) in a case where—
      - (i) a conditional offer is issued to a person (“the alleged offender”) under section 75(1A) or (3B), and

(ii) proceedings against the alleged offender are excluded by section 76(2).”

**95 Surrender of licences and test certificates by new drivers**

Schedule 9 contains amendments to the Road Traffic (New Drivers) Act 1995 which make provision about the surrender of driving licences and test certificates in the case of new drivers.

**96 Minor and consequential amendments**

Schedule 10 contains minor and consequential amendments.

*Fixed penalty notices in Scotland*

**97 Power to issue fixed penalty notices on-the-spot in Scotland**

- (1) In section 54(1) of the Road Traffic Offenders Act 1988 (notices on-the-spot etc.), omit “in England and Wales”.
- (2) In section 75(4) of that Act (issue of conditional offer: restrictions), after “notice” insert “in respect of the offence has been given under section 54 of this Act or”.
- (3) Paragraph 103(2) of Schedule 4 to the Road Traffic Act 1991 (amendment to section 54 of the Road Traffic Offenders Act 1988 which is superseded by provision made by this section) is omitted.