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# Road Traffic Act 1988

### **CHAPTER 52**

### **ROAD TRAFFIC ACT 1988**

#### PART I

### PRINCIPAL ROAD SAFETY PROVISIONS

### Driving offences

- 1 Causing death by dangerous driving.
- 2 Dangerous driving.
- 2A Meaning of dangerous driving.
- 2B Causing death by careless, or inconsiderate, driving
  - 3 Careless, and inconsiderate, driving.
- 3ZA Meaning of careless, or inconsiderate, driving
- 3ZB Causing death by driving: unlicensed, disqualified or uninsured drivers
  - 3A Causing death by careless driving when under influence of drink or drugs.

### Motor vehicles: drink and drugs

- 4 Driving, or being in charge, when under influence of drink or drugs.
- 5 Driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit.
- 6 Breath tests.
- 6A Preliminary breath test
- 6B Preliminary impairment test
- 6C Preliminary drug test
- 6D Arrest
- 6E Power of entry
  - 7 Provision of specimens for analysis.
- 7A Specimens of blood taken from persons incapable of consenting

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- 8 Choice of specimens of breath.
- 9 Protection for hospital patients.
- 10 Detention of persons affected by alcohol or a drug.
- 11 Interpretation of sections 4 to 10.

### Motor racing and motoring events on public ways

- 12 Motor racing on public ways.
- 13 Regulation of motoring events on public ways.
- 13A Disapplication of sections 1 to 3 for authorised motoring events.

### Protective measures: seat belts, helmets, etc.

- 14 Seat belts: adults.
- 15 Restriction on carrying children not wearing seat belts in motor vehicles.
- 15A Safety equipment for children in motor vehicles.
- 15B Requirement to notify bus passengers to wear seat belts
  - 16 Wearing of protective headgear.
  - 17 Protective helmets for motor cyclists.
  - 18 Authorisation of head-worn appliances for use on motor cycles.

### Stopping on verges, etc., or in dangerous positions, etc.

- 19 Prohibition of parking of HGVs on verges, central reservations and footways.
- 19A Prohibition of parking of vehicles on verges, central reservations and footways.
  - 20 Definition of "heavy commercial vehicle" for the purposes of section 19.
  - 21 Prohibition of driving or parking on cycle tracks.
  - 22 Leaving vehicles in dangerous positions.
- 22A Causing danger to road-users.

### Other restrictions in interests of safety

- 23 Restriction of carriage of persons on motor cycles.
- 24 Restriction of carriage of persons on bicycles.
- 25 Tampering with motor vehicles.
- 26 Holding or getting on to vehicle in order to be towed or carried.
- 27 Control of dogs on roads.

### Cycling offences and cycle racing

- 28 Dangerous cycling.
- 29 Careless, and inconsiderate, cycling.
- 30 Cycling when under influence of drink or drugs.
- 31 Regulation of cycle racing on public ways.
- 32 Electrically assisted pedal cycles.

### Use of motor vehicles away from roads

- 33 Control of use of footpaths and bridleways for motor vehicle trials.
- 34 Prohibition of driving motor vehicles elsewhere than on roads.

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### Directions to traffic and to pedestrians and traffic signs

- 35 Drivers to comply with traffic directions.
- 36 Drivers to comply with traffic signs.
- 37 Directions to pedestrians.

### Promotion of road safety

- 38 The Highway Code.
- 39 Powers of Secretary of State and local authorities as to giving road safety information and training.
- 40 Powers of Secretary of State to subsidise bodies other then local authorities for giving road safety information and training.

#### PART II

#### CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

### Using vehicle in dangerous condition

40A Using vehicle in dangerous condition etc.

### General regulation of construction, use etc.

- 41 Regulation of construction, weight, equipment and use of vehicles.
- 41A Breach of requirement as to brakes, steering-gear or tyres.
- 41B Breach of requirement as to weight: goods and passenger vehicles.
- 41C Breach of requirement as to speed assessment equipment detection devices
- 41D Breach of requirements as to control of vehicle, mobile telephones etc.
  - 42 Breach of other construction and use requirements.
  - 43 Temporary exemption from application of regulations under section 41.
  - Authorisation of use on roads of special vehicles not complying with regulations under section 41.

Tests of vehicles other than goods vehicles to which section 49 applies

- 45 Tests of satisfactory condition of vehicles.
- 46 Particular aspects of regulations under section 45.
- 46A Use of records of vehicle examinations, etc.
- 46B Evidence from records of vehicle examinations.
- 47 Obligatory test certificates.
- 48 Supplementary provisions about test certificates.

### Tests of certain classes of goods vehicles

- 49 Tests of satisfactory condition of goods vehicles and determination of plated weights, etc.
- 49A Use of records of goods vehicle examinations, etc.
  - 50 Appeals against determinations.
  - 51 Particular aspects of regulations under section 49.
  - 52 Supplementary provisions about tests, etc., of goods vehicles.
  - 53 Obligatory goods vehicle test certificates.

Approval of design, construction, equipment and marking of vehicles

54 Type approval requirements.

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- 55 Type approval certificates.
- 56 Conditions of, and cancellation or suspension of, type approval certificates.
- 57 Certificates of conformity.
- 58 Minister's approval certificates.
- 59 Supplementary provisions as to certificates of conformity and Minister's approval certificates.
- 60 Appeals.
- Regulations for the purposes of sections 54 to 60.
- 62 Other supplementary provisions.
- Obligatory type approval certificates, certificates of conformity and Minister's approval certificates.
- Alteration of plated weights for goods vehicles without examination.
  - 64 Using goods vehicle with unauthorised weights as well as authorised weights marked on it.
- 64A Failure to hold EC certificate of conformity for unregistered light passenger vehicle
  - Vehicles and parts not to be sold without required certificate of conformity or Minister's approval certificate.
- 65A Light passenger vehicles not to be sold without EC certificate of conformity

### Conditions for grant of excise licence

Regulations prohibiting the grant of excise licences for certain vehicles except on compliance with certain conditions.

### Vehicle examiners

66A Appointment of examiners.

### Testing vehicles on roads

- 67 Testing of condition of vehicles on roads.
- 67A Remedying defects discovered on roadside test.
- 67B Tests to check whether defects have been remedied.

### Inspection of public passenger vehicles and goods vehicles

68 Inspection of public passenger vehicles and goods vehicles.

### Prohibition of unfit vehicles

- 69 Power to prohibit driving of unfit vehicles.
- 69A Prohibitions conditional on inspection etc.
  - 70 Power to prohibit driving of overloaded goods vehicles.
  - 71 Unfit and overloaded vehicles: offences.
  - 72 Removal of prohibitions.
- 72A Official testing stations.
  - 73 Provisions supplementary to sections 69 to 72.

#### Miscellaneous provisions about vehicles and vehicle parts

74 Operator's duty to inspect, and keep records of inspections of, goods vehicles.

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- 75 Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy.
- 76 Fitting and supply of defective or unsuitable vehicle parts.
- 77 Testing condition of used vehicles at sale rooms, etc.
- 78 Weighing of motor vehicles.
- 79 Further provisions relating to weighing of motor vehicles.
- 80 Approval marks.

### Pedal cycles and horse-drawn vehicles

- 81 Regulation of brakes, bells etc., on pedal cycles.
- 82 Regulation of brakes on horse-drawn vehicles.

#### Miscellaneous

- 83 Offences to do with reflectors and tail lamps.
- 84 Appointment of officials and destination of fees.
- 85 Interpretation of Part II.
- 86 Index to Part II.

#### PART III

#### LICENSING OF DRIVERS OF VEHICLES

### Requirement to hold licence

- 87 Drivers of motor vehicles to have driving licences.
- 88 Exceptions.

### Tests

- 89 Tests of competence to drive.
- 89A The alternative requirements to those in section 89.
  - 90 Review of conduct of test.
  - 91 Repayment of test fees.

### Physical fitness

- 92 Requirements as to physical fitness of drivers.
- 93 Revocation of licence because of disability or prospective disability.
- 94 Provision of information, etc. relating to disabilities.
- 94A Driving after refusal or revocation of licence.
  - 95 Notification of refusal of insurance on grounds of health.
  - 96 Driving with uncorrected defective eyesight.

### Granting of licences, their form and duration

- 97 Grant of licences.
- 98 Form of licence.
- 98A Compulsory surrender of old-form licences
  - 99 Duration of licences.

### Driver training

- 99ZA Compulsory driver training courses.
- 99ZB Requirements to complete training courses.
- 99ZC Driver training courses: supplementary.

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### Community licence holders

- 99A Authorisation to drive in Great Britain.
- 99B Information about resident Community licence holders.
- 99C Revocation of authorisation conferred by Community licence because of disability or prospective disability.
- 99D Information relating to disabilities etc.
- 99E Return of Community licences delivered to Secretary of State.

### Appeals

100 Appeals relating to licences.

### Disqualification (otherwise than on conviction)

- 101 Disqualification of persons under age.
- Disqualification to prevent duplication of licences.

Disqualification if disqualified in Northern Ireland etc.

102A Disqualification while disqualified in Northern Ireland, Isle of Man, Channel Islands or Gibraltar

### Effects of disqualification

103 Obtaining licence, or driving, while disqualified.

#### Miscellaneous

- 104 Conduct of proceedings in certain courts by or against the Secretary of State
- 105 Regulations.
- 106 Destination of fees for licences, etc.
- 107 Service of notices.
- 108 Interpretation.
- 109 Provisions as to Northern Ireland drivers' licences.
- 109A Counterparts issued to Northern Ireland licence holders
- 109B Revocation of authorisation conferred by Northern Ireland licence because of disability or prospective disability
- 109C Information relating to disabilities etc

### PART IV

## LICENSING OF DRIVERS OF LARGE GOODS VEHICLES AND PASSENGER-CARRYING VEHICLES.

*Licensing of drivers of large goods vehicles and passenger-carrying vehicles.* 

- 110 (1) Licences under Part III of this Act to drive...
- 111 Functions of traffic commissioners.
- 112 Grants of licences: fitness as regards conduct.
- 113 Grant of licences: referral of matters of conduct to traffic commissioners.
- 114 Conditions of certain licences.
- 115 Revocation or suspension of licences.
- 115A Community licence holders: cessation of authorisation, etc.
  - 116 Revocation or suspension of licences: referral of matters of conduct to traffic commissioners.

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- 117 Disqualification on revocation of licence.
- 117A Community licences: disqualification etc.
  - 118 Revoked or suspended licences: surrender, return and endorsement.
  - 119 Appeals to magistrates' court or sheriff
  - 120 Regulations.
  - 121 Interpretation.
  - 122 Provisions as to Northern Ireland licences.

#### PART IV

#### LICENSING OF DRIVERS OF HEAVY GOODS VEHICLES

#### PART V

#### **DRIVING INSTRUCTION**

### Instructors to be registered or licensed

- Driving instruction for payment to be given only by registered or licensed persons.
- Exemption of police instructors from prohibition imposed by section 123.

### Registration

- 125 The register of approved instructors.
- 125A Registration of disabled persons.
- 125B Provisions supplementary to section 125A.
  - 126 Duration of registration.
  - 127 Extension of duration of registration.
  - 128 Removal of names from register.

### Licences

- Licences for giving instruction so as to obtain practical experience.
- 130 Revocation of licences.

### Appeals

131 Appeals.

#### Compensation

131A Compensation in respect of suspension

### Examinations and tests

- Examinations and tests of ability to give driving instruction.
- 133 Review of examinations.

#### Disabled persons: emergency control certificates, etc

- Assessment of disabled person's ability to control a motor car in an emergency.
- 133B Further assessments.
- 133C Duty to disclose further disability.
- Offences relating to giving by disabled person of paid driving instruction.

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### General and supplemental

- Power to alter conditions for entry or retention in, and removal from, register and for grant or revocation of licences.
- Power to prescribe form of certificate of registration, etc.
- 136 Surrender of certificates and licences.
- Production of certificates and licences to constables and authorised persons.
- 138 Offences by corporations.
- 139 Service of notices.
- 140 Receipts.
- 141 Regulations.
- 141A Meaning of "motor car".
  - 142 Index to Part V.

#### PART VI

### THIRD-PARTY LIABILITIES

### Compulsory insurance or security against third-party risks

- 143 Users of motor vehicles to be insured or secured against third-party
- Exceptions from requirement of third-party insurance or security.
- 144A Offence of keeping vehicle which does not meet insurance requirements
- 144B Exceptions to section 144A offence
- 144C Fixed penalty notices
- 144D Section 144A offence: supplementary
  - 145 Requirements in respect of policies of insurance.
  - 146 Requirements in respect of securities.
  - 147 Issue and surrender of certificates of insurance and of security.
  - 148 Avoidance of certain exceptions to policies or securities.
  - 149 Avoidance of certain agreements as to liability towards passengers.
  - Insurance or security in respect of private use of vehicle to cover use under car-sharing arrangements.
  - Duty of insurers or persons giving security to satisfy judgment against persons insured or secured against third-party risks.
  - 152 Exceptions to section 151.
  - Bankruptcy, etc., of insured or secured persons not to affect claims by third parties.
  - 154 Duty to give information as to insurance or security where claim made.
  - 155 Deposits
  - Power to require evidence of insurance or security on application for vehicle excise licence.

### Payments for treatment of traffic casualties

- 157 Payment for hospital treatment of traffic casualties.
- 158 Payment for emergency treatment of traffic casualties.
- 159 Supplementary provisions as to payments for treatment.

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- 159A Disclosure of information
  - 160 Regulations.
  - 161 Interpretation.

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#### 162 Index to Part VI.

#### PART VII

#### MISCELLANEOUS AND GENERAL

### Requirement for approval of persons to assist at tests

### 162A Approved test assistants

### Powers of constables and other authorised persons

- 163 Power of police to stop vehicles.
- Power of constables to require production of driving licence and in certain cases statement of date of birth.
- Power of constables to obtain names and addresses of drivers and others, and to require production of evidence of insurance or security and test certificates.
- 165A Power to seize vehicles driven without licence or insurance
- 165B Retention etc. of vehicles seized under section 165A
  - Powers of certain officers as respects goods vehicles and passengercarrying vehicles.
  - 167 Power of arrest in Scotland for reckless or careless driving or cycling.

### Duty to give name and address

- Failure to give, or giving false, name and address in case of reckless or careless or inconsiderate driving or cycling.
- Pedestrian contravening constable's direction to stop to give name and address.

#### Duties in case of accident

Duty of driver to stop, report accident and give information or documents.

### Other duties to give information or documents

- Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance or security.
- Duty to give information as to identity of driver etc in certain circumstances.

#### Forgery, false statements, etc.

- 173 Forgery of documents, etc.
- 174 False statements and withholding material information.
- 175 Issue of false documents.
- 176 Power to seize articles in respect of which offences under sections 173 to 175 may have been committed.
- 177 Impersonation of, or of person employed by, authorised examiner.

### Offences in Scotland

178 Taking motor vehicle without authority, etc.

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#### Inquiries

- 179 General power to hold enquiries.
- 180 General provisions as to inquiries.
- 181 General provisions as to accident inquiries.
- 182 Special provisions as to accident inquiries in Greater London.

### Application to the Crown

- 183 Application to the Crown.
- Application of sections 5 to 10 to persons subject to service discipline.

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- 185 Meaning of "motor vehicle" and other expressions relating to vehicles.
- 186 Supplementary provisions about those expressions.
- 187 Articulated vehicles.
- 188 Hover vehicles.
- 189 Certain vehicles not to be treated as motor vehicles.
- 190 Method of calculating weight of motor vehicles and trailers.
- 191 Interpretation of statutory references to carriages.
- 192 General interpretation of Act.
- 192A Tramcars and other guided vehicles: drink and drugs.
  - 193 Exemptions for tramcars, trolley vehicles, railway locomotives, carriages and trucks.
- 193A Tramcars and trolley vehicles.
  - 194 General index.

### Supplementary

- 195 Provisions as to regulations.
- 196 Provision, etc., of weighbridges.
- 197 Short title, commencement and extent.

#### **SCHEDULES**

SCHEDULE 1 — Supplementary Provisions in Connection with Proceedings for Offences under Sections 15A, 17 and 18(4)

### Proceedings in England and Wales

- 1 (1) A person against whom proceedings are brought in England...
- 2 (1) Where— (a) it appears that an offence under section...
- 3 (1) Where proceedings are brought in England and Wales against...

### Proceedings in Scotland

4 (1) Where a contravention of section 15A, 17 or 18(4)...

### Proceedings in Great Britain

- 5 (1A) Subject to the provisions of this paragraph, in any...
- 6 (1) An accused who in any proceedings for an offence...
- 7 In this Schedule, "equipment" means equipment to which section 15A...

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#### SCHEDULE 2 — Deferred Tests of Condition of Vehicles

- 1 Where the driver is the owner of the vehicle, he...
- 2 When the driver is not the owner of the vehicle...
- 3 (1) Where under the preceding provisions of this Schedule a...
- 4 The owner of the vehicle must produce it, or secure...
- 5 (1) References in this Schedule to the owner of a...

SCHEDULE 2A — Offence of keeping vehicle which does not meet insurance requirements: immobilisation, removal and disposal of vehicles

#### *Immobilisation*

1 (1) Regulations may make provision with respect to any case...

### Offences connected with immobilisation

2 (1) The regulations may provide that a person contravening provision...

### Removal and disposal of vehicles

3 (1) The regulations may make provision with respect to any...

### Offences as to securing possession of vehicles

4 The regulations may provide that where—(a) a person makes...

### **Disputes**

5 The regulations may make provision about the proceedings to be...

### Authorised persons

6 As regards anything falling to be done under the regulations...

### Application of Road Traffic Offenders Act 1988

7 The regulations may make provision for the application of any...

#### *Interpretation*

- 8 (1) The regulations may make provision as to the meaning...
- 9 (1) The regulations may make provision as to the meaning...
- 10 In this Schedule—(a) references to an immobilisation device are...

### SCHEDULE 2A — Form of seat belt symbol for buses

SCHEDULE 3 — Appeals under Section 131 Against Decisions of the Registrar

- 1 On an appeal under section 131 of this Act, the...
- 2 (1) The Secretary of State shall refer every such appeal...
- 3 (1) The Secretary of State may by rules made by...
- 4 (1) The Secretary of State may on an appeal under...
- 5 Section 180 of this Act, in its application to an...

SCHEDULE 4 —																								
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