



# 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*Status: Point in time view as at 29/12/2014.*

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**[<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.
- (2) A person is also to be regarded as driving dangerously for the purposes of sections 1 [<sup>F5</sup>, 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) 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 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\(b\)](#)

**[<sup>F6</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.]

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#### Textual Amendments

- F6** 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>F7</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

- F7** 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>F8</sup>3ZA Meaning of careless, or inconsiderate, driving

- (1) This section has effect for the purposes of sections 2B 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.
- (3) In determining for the purposes of subsection (2) above what would be expected of a careful and competent driver 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) 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

- F8** 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**

### [<sup>F9</sup>3ZB Causing death by driving: unlicensed, disqualified 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) section 103(1)(b) of this Act (driving while disqualified), or
- (c) section 143 of this Act (using motor vehicle while uninsured or unsecured against third party risks).]

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#### Textual Amendments

- F9** 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**

### [<sup>F10</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
  - (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>F11</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>F12</sup>, (c) and (d)] above shall not apply in relation to a person driving a mechanically propelled vehicle other than a motor vehicle.]

#### Textual Amendments

- F10** 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.**
- F11** 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)**
- F12** 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)**

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