



Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Driving offences

[^{F1}3ZA Meaning of careless, or inconsiderate, driving

- (1) This section has effect for the purposes of sections 2B [^{F2}, 2C] 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. [^{F3}But this subsection does not apply where subsection (2B) applies.]
 - [Subsection (2B) applies where a designated person—
- ^{F4}(2A) (a) is driving for police purposes (subject to subsections (2E) and (2F)), and
(b) has undertaken prescribed training.
- (2B) The designated person is to be regarded as driving without due care and attention if (and only if) the way the person drives falls below what would be expected of a competent and careful constable who has undertaken the same prescribed training.
- (2C) In subsections (2A) and (2B) “designated person” means—
- (a) a constable,
 - (b) a member of staff appointed by the chief officer of police of a police force in England and Wales,
 - (c) a member of staff appointed by a local policing body and employed to assist a police force in England and Wales,
 - (d) a member of staff appointed by the Scottish Police Authority under section 26(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8),
 - (e) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003,

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Changes to legislation: Road Traffic Act 1988, Section 3ZA is up to date with all changes known to be in force on or before 24 June 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)

- (f) a person employed or engaged by—
 - (i) a chief officer of police,
 - (ii) the British Transport Police Authority,
 - (iii) the Civil Nuclear Police Authority,
 - (iv) the chief constable for the Ministry of Defence Police, or
 - (v) the Scottish Police Authority,
 to train a person within any of paragraphs (a) to (e) to drive for police purposes,
 - (g) a person employed or engaged by a person within paragraph (f)(i) to (v) to train another person to carry out training of the kind mentioned in that paragraph,
 - (h) a National Crime Agency officer, or
 - (i) a person engaged by the National Crime Agency—
 - (i) to train a National Crime Agency officer to drive for law enforcement purposes, or
 - (ii) to train another person to carry out training of the kind mentioned in sub-paragraph (i).
- (2D) In subsection (2C)(a) “constable” does not include a port constable within the meaning of section 7 of the Marine Navigation Act 2013 or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964.
- (2E) In the case of a National Crime Agency officer, the reference in subsection (2A)(a) to driving for police purposes is to be read as a reference to driving for law enforcement purposes.
- (2F) In the case of a person within paragraph (i) of subsection (2C), the reference in subsection (2A)(a) to driving for police purposes is to be read as a reference to driving for the purpose of the training mentioned in that paragraph.]
- (3) In determining for the purposes of subsection (2) [^{F5}or (2B)] above what would be expected of a careful and competent driver [^{F6}or constable (as the case may be)] 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

- F1** 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**
- F2** Word in s. 3ZA(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), **ss. 87(2), 208(5)(i)**
- F3** Words in s. 3ZA(2) inserted (26.10.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), **ss. 6(2), 208(1)** (with s. 6(5)); [S.I. 2022/1075](#), **reg. 3(b)**
- F4** S. 3ZA(2A)-(2F) inserted (26.10.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), **ss. 6(3), 208(1)** (with s. 6(5)); [S.I. 2022/1075](#), **reg. 3(b)**
- F5** Words in s. 3ZA(3) inserted (26.10.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), **ss. 6(4)(a), 208(1)** (with s. 6(5)); [S.I. 2022/1075](#), **reg. 3(b)**

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F6 Words in s. 3ZA(3) inserted (26.10.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 6(4)(b), 208(1) (with s. 6(5)); S.I. 2022/1075, reg. 3(b)

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