



# Road Traffic Act 1991

## 1991 CHAPTER 40

### PART I

#### GENERAL

##### *Trial*

#### 24 Alternative verdicts.

For section 24 of the <sup>M1</sup>Road Traffic Offenders Act 1988 there shall be substituted—

**“24 Alternative verdicts: general.**

(1) Where—

- (a) a person charged with an offence under a provision of the Road Traffic Act 1988 specified in the first column of the Table below (where the general nature of the offences is also indicated) is found not guilty of that offence, but
- (b) the allegations in the indictment or information (or in Scotland complaint) amount to or include an allegation of an offence under one or more of the provisions specified in the corresponding entry in the second column,

he may be convicted of that offence or of one or more of those offences.

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<b>Offence charged</b>	<b>Alternative</b>
Section 1 (causing death by dangerous driving)	Section 2 (dangerous driving)  Section 3 (careless, and inconsiderate, driving)
Section 2 (dangerous driving)	Section 3 (careless, and inconsiderate, driving)

*Status: Point in time view as at 01/11/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Act 1991, Section 24. (See end of Document for details)*

Section 3A (causing death by careless driving when under influence of drink or drugs)	Section 3 (careless, and inconsiderate, driving)
	Section 4(1) (driving when unfit to drive through drink or drugs)
	Section 5(1)(a) (driving with excess alcohol in breath, blood or urine)
	Section 7(6) (failing to provide specimen)
Section 4(1) (driving or attempting to drive when unfit to drive through drink or drugs)	Section 4(2) (being in charge of a vehicle when unfit to drive through drink or drugs)
Section 5(1)(a) (driving or attempting to drive with excess alcohol in breath, blood or urine)	Section 5(1)(b) (being in charge of a vehicle with excess alcohol in breath, blood or urine)
Section 28 (dangerous cycling)	Section 29 (careless, and inconsiderate, cycling)

- (2) Where the offence with which a person is charged is an offence under section 3A of the Road Traffic Act 1988, subsection (1) above shall not authorise his conviction of any offence of attempting to drive.
- (3) Where a person is charged with having committed an offence under section 4(1) or 5(1)(a) of the Road Traffic Act 1988 by driving a vehicle, he may be convicted of having committed an offence under the provision in question by attempting to drive.
- (4) Where by virtue of this section a person is convicted before the Crown Court of an offence triable only summarily, the court shall have the same powers and duties as a magistrates' court would have had on convicting him of that offence.
- (5) Where, in Scotland, by virtue of this section a person is convicted under solemn procedure of an offence triable only summarily, the penalty imposed shall not exceed that which would have been competent on a conviction under summary procedure.
- (6) This section has effect without prejudice to section 6(3) of the Criminal Law Act 1967 (alternative verdicts on trial on indictment), sections 61, 63, 64, 312 and 457A of the Criminal Procedure (Scotland) Act 1975 and section 23 of this Act.”

**Modifications etc. (not altering text)**

**C1** S. 24 restricted (3.6.1992) by S.I. 1992/1286, art.5 (as amended by S.I. 1992/1410, art. 2)

**Commencement Information**

**II** S. 24 wholly in force at 1.7.1992 see s. 84 and S.I. 1992/1286, art. 2, Sch.

**Marginal Citations**

**M1** 1988 c. 53.

**Status:**

Point in time view as at 01/11/2003.

**Changes to legislation:**

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