



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 1

PROTECTION OF THE POLICE ETC

Police driving standards

5 Meaning of dangerous driving: constables etc

(1) Section 2A of the Road Traffic Act 1988 (meaning of dangerous driving) is amended in accordance with subsections (2) to (4).

(2) In subsection (1), after paragraph (b) insert “But this subsection does not apply where subsection (1B) applies.”

(3) After subsection (1) insert—

“(1A) Subsection (1B) applies where a designated person—

- (a) is driving for police purposes (subject to subsections (1E) and (1F)), and
- (b) has undertaken prescribed training.

(1B) For the purposes of sections 1, 1A and 2 above, the designated person is to be regarded as driving dangerously if (and, subject to subsection (2) below, only if)—

- (a) the way the person drives falls far below what would be expected of a competent and careful constable who has undertaken the same prescribed training, and
- (b) it would be obvious to such a competent and careful constable that driving in that way would be dangerous.

(1C) In subsections (1A) and (1B) “designated person” means—

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- (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,
 - (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).
- (1D) In subsection (1C)(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.
- (1E) In the case of a National Crime Agency officer, the reference in subsection (1A)(a) to driving for police purposes is to be read as a reference to driving for law enforcement purposes.
- (1F) In the case of a person within paragraph (i) of subsection (1C), the reference in subsection (1A)(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.”
- (4) In subsection (3)—
- (a) after “(1)” insert “, (1B)”, and
 - (b) after “driver” insert “or constable (as the case may be)”.
- (5) The amendments made by this section have effect only in relation to driving occurring after this section comes into force.

6 Meaning of careless driving: constables etc

(1) Section 3ZA of the Road Traffic Act 1988 (meaning of careless driving) is amended in accordance with subsections (2) to (4).

(2) In subsection (2), after “driver.” insert “But this subsection does not apply where subsection (2B) applies.”

(3) After subsection (2) insert—

“(2A) Subsection (2B) applies where a designated person—

- (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,
- (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

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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.”

(4) In subsection (3)—

(a) after “(2)” insert “or (2B)”, and

(b) after “driver” insert “or constable (as the case may be)”.

(5) The amendments made by this section have effect only in relation to driving occurring after this section comes into force.

7 Regulations relating to sections 5 and 6

In section 195 of the Road Traffic Act 1988 (provisions as to regulations), after subsection (6) insert—

“(7) Regulations prescribing training for the purposes of section 2A(1A)(b) or 3ZA(2A)(b) may make different provision for different persons or areas.”