

Road Traffic (Amendment) Bill [HL]

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TO

Make provision with respect to the driving and use of vehicles drawn by horses or other animals on roads or in other public places; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Promotion of road safety

1 Code of Practice for Horse-drawn Vehicles

After section 38 of the Road Traffic Act 1988 (c. 52) there shall be inserted the following section—

“38A Code of Practice for Horse-drawn Vehicles

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(1) Subject to the following provisions of this section, the Secretary of State—

- (a) shall make a Code of Practice for Horse-drawn Vehicles; and
- (b) may from time to time revise such a Code of Practice by revoking, amending or adding to its provisions in such manner as he thinks fit.

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(2) Before making or revising a Code of Practice for Horse-drawn Vehicles, the Secretary of State must consult with such representative organisations as he thinks fit.

(3) Where the Secretary of State—

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- (a) has made a Code of Practice for Horse-drawn Vehicles; or
- (b) has made any alterations in the provisions of such a Code (other than merely consequential on the passing, amendment or repeal of any statutory provision),

he must lay the Code or the alterations before both Houses of Parliament.

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- (4) A Code of Practice for Horse-drawn Vehicles, and any alterations to such a Code, laid in accordance with subsection (3), shall be subject to annulment in pursuance of a resolution of either House before a period of forty days has expired beginning with the day on which the Code or alterations were so laid. 5
- (5) The Secretary of State must cause any Code of Practice for Horse-drawn Vehicles to be printed and copies to be made available to the public either free of charge or at such price as he may determine.
- (6) A failure on the part of a person to observe a provision of a Code of Practice for Horse-drawn Vehicles shall not of itself render that person liable to criminal proceedings of any kind but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or negative any liability which is in question in those proceedings. 10
- (7) Until a Code of Practice for Horse-drawn Vehicles is made under this section, the Code of Practice for Horse Drawn Vehicles published in 2000 by the Department of the Environment, Transport and the Regions shall have effect as if it had been so made, and may be revised accordingly. 15
- (8) Paragraphs (a) and (c) of section 38(9) apply for the purposes of subsections (3) and (4) as they apply for the purposes of section 38(3).” 20

Driving and other offences

2 Driving and other offences

After Part II of the Road Traffic Act 1988 (c. 52) there shall be inserted the following Part— 25

“PART IIA

OTHER ROAD SAFETY PROVISIONS

Driving offences relating to vehicles drawn by animals

86A Causing death by driving dangerously a horse-drawn vehicle etc. 30

If a person causes the death of another person by driving dangerously a vehicle drawn by a horse or other animal on a road or in another public place, he shall be guilty of an offence.

86B Driving dangerously a horse-drawn vehicle etc.

If a person drives dangerously a vehicle drawn by a horse or other animal on a road or in another public place, he shall be guilty of an offence. 35

86C Meaning of dangerous driving

- (1) For the purposes of sections 86A and 86B a person is to be regarded as driving dangerously if (and, subject to subsection (2), only if)— 40

- (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 86A and 86B if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous. 5
- (3) In subsections (1) and (2) “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. 10 15
- (4) In determining for the purposes of subsection (2) 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.
- 86D Careless and inconsiderate driving of a horse-drawn vehicle etc.**
- If a person drives a vehicle drawn by a horse or other animal on a road or in another public place without due care and attention, or without reasonable consideration for other persons using the road or place, he shall be guilty of an offence. 20
- Danger to road users*
- 86E Interference with a horse-drawn vehicle etc.** 25
- (1) A person is guilty of an offence if he intentionally and without lawful authority or reasonable cause interferes with a vehicle drawn, or likely to be drawn, by a horse or other animal in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous. 30
- (2) In subsection (1) “dangerous” refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that subsection what would be obvious to a reasonable person 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. 35
- (3) This section does not extend to Scotland.
- Using horse-drawn vehicle etc. in dangerous condition*
- 86F Using horse-drawn vehicle etc. in dangerous condition** 40
- A person shall be guilty of an offence if he uses, or causes or permits another to use, a vehicle drawn by a horse or other animal on a road or in another public place when—
- (a) the condition of the vehicle, or of its accessories or equipment;

- (b) the purpose for which it is used;
 - (c) the number of passengers carried by it, or the manner in which they are carried; or
 - (d) the weight, position or distribution of its load, or the manner in which it is secured,
- is such that the use of the vehicle involves a danger of injury to any person.”

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Powers of constables and duties of drivers

3 Further amendment of the Road Traffic Act 1988

- (1) The Road Traffic Act 1988 (c. 52) shall be further amended as follows. 10
- (2) In section 163 (power of police to stop vehicles), after subsection (1) there shall be inserted –
 - “(1A) A person driving a vehicle drawn by a horse or other animal on a road or in another public place must stop the vehicle on being required to do so by a constable in uniform.” 15
- (3) After section 165 (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) there shall be inserted –
 - “**165A Power of constables to obtain names and addresses of drivers of horse-drawn vehicles etc. and others** 20
 - (1) Any of the following persons –
 - (a) a person driving a vehicle drawn by a horse or other animal on a road or in another public place;
 - (b) a person whom a constable has reasonable cause to believe to have been the driver of such a vehicle at a time when an accident occurred owing to its presence on a road or in another public place; or 25
 - (c) a person whom a constable has reasonable cause to believe to have committed an offence in relation to the use of such a vehicle on a road or in another public place, 30
 - must, on being so required by a constable, give his name and address and the name and address of the owner of the vehicle.
 - (2) A person who fails to comply with a requirement under subsection (1) shall be guilty of an offence.
 - (3) In this section “owner”, in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement.” 35
 - (4) In section 167 (power of arrest in Scotland for dangerous, careless or inconsiderate driving or cycling) –
 - (a) at the end of paragraph (a) the word “and” shall be omitted; and
 - (b) at the end of paragraph (b) there shall be inserted – 40
 - “, and
 - (c) may arrest without warrant the driver of a vehicle who within his view commits an offence under section 86B or 86D unless the driver gives his name and address.”

- (5) In section 168 (failure to give, or giving false, name and address in case of dangerous or careless or inconsiderate driving or cycling), after paragraph (b) there shall be inserted –
- “or
- (c) the driver of a vehicle who is alleged to have committed an offence under section 86B or 86D,”. 5
- (6) After section 170 (duty of driver to stop, report accident and give information or documents) there shall be inserted –
- “170A Duty of driver of horse-drawn vehicle etc. to stop after accident and give particulars or report accident”** 10
- (1) This section applies in a case where, owing to the presence of a vehicle (in this section referred to as “the vehicle”) drawn by a horse or other animal on a road or in another public place, an accident occurs by which –
- (a) personal injury is caused to a person other than the driver of the vehicle; or 15
- (b) damage is caused –
- (i) to an animal within the meaning of section 170(8), not being an animal drawing, or being carried in or on, the vehicle, 20
- (ii) to another vehicle, or
- (iii) to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road or public place in question is situated or land adjacent thereto. 25
- (2) The driver of the vehicle must stop and, if required to do so by any person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner of the vehicle.
- (3) If for any reason the driver of the vehicle does not give his name and address under subsection (2), he must report the accident. 30
- (4) A person who fails to comply with subsection (2) or (3) shall be guilty of an offence.
- (5) To comply with a duty under this section to report an accident, the driver –
- (a) must do so at a police station or to a constable; and 35
- (b) must do so as soon as is reasonably practicable and, in any case, within 24 hours of the occurrence of the accident.
- (6) In this section “owner”, in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement.”

Trial 40

4 Alternative verdicts

- (1) Section 24 of the Road Traffic Offenders Act 1988 (c. 53) (alternative verdicts: general) shall be amended as follows.
- (2) In the Table, after the entry relating to section 28 of the Road Traffic Act 1988

(c. 52), there shall be inserted –

“Section 86A (causing death by driving dangerously a horse-drawn vehicle etc.)

Section 86B (driving dangerously a horse-drawn vehicle etc.)

Section 86D (careless and inconsiderate driving of a horse-drawn vehicle etc.)

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Section 86B (driving dangerously a horse-drawn vehicle etc.)

Section 86D (careless and inconsiderate driving of a horse-drawn vehicle etc.)”

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Penalties

5 Amendment of Schedule 2 to the Road Traffic Offenders Act 1988

Schedule 1, which further amends Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) (prosecution and punishment of offences), shall have effect.

Miscellaneous

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6 Minor and consequential amendments

Schedule 2, which makes minor amendments and amendments consequential on the preceding provisions of this Act, shall have effect.

Supplementary

7 Repeal

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The enactment mentioned in Schedule 3 is hereby repealed to the extent specified in the second column of that Schedule.

8 Commencement

This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

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9 Extent

This Act does not extend to Northern Ireland.

10 Short title

This Act may be cited as the Road Traffic (Amendment) Act 2003.

SCHEDULES

SCHEDULE 1

Section 5

AMENDMENT OF SCHEDULE 2 TO THE ROAD TRAFFIC OFFENDERS ACT 1988

- 1 Part I of Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) (prosecution and punishment of offences) shall be amended as follows. 5
- 2 After the entry relating to section 83 of the Road Traffic Act 1988 (c. 52), in columns 1 to 4 there shall be inserted –

“RTA section 86A	Causing death by driving dangerously a horse-drawn vehicle etc.	On indictment.	10 years or a fine or both.	10
RTA section 86B	Driving dangerously a horse-drawn vehicle etc.	(a) Summarily.	(a) 6 months or the statutory maximum or both.	15
		(b) On indictment.	(b) 2 years or a fine or both.	
RTA section 86D	Careless and inconsiderate driving of a horse-drawn vehicle etc.	Summarily.	Level 4 on the standard scale.	20
RTA section 86E	Interference with a horse-drawn vehicle etc.	(a) Summarily.	(a) 6 months or the statutory maximum or both.	25
		(b) On indictment.	(b) 7 years or a fine or both.	30
RTA section 86F	Using a horse-drawn vehicle etc. in dangerous condition.	Summarily.	Level 4 on the standard scale.”	35

3 In the entry relating to section 163 of that Act (power of police to stop vehicles) in column 2, after the words “motor vehicle” there shall be inserted “, horse-drawn vehicle etc.”.

4 After the entry relating to section 165 of that Act, in columns 1 to 4 there shall be inserted –

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“RTA section 165A	Failure of driver of a horse-drawn vehicle etc. to give constable his name and address or those of owner.	Summarily.	Level 3 on the standard scale.”
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5 After the entry relating to section 170(7) of that Act, in columns 1 to 4 there shall be inserted –

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“RTA section 170A	Failure by driver of a horse-drawn vehicle etc. to stop after accident and give particulars or report accident.	Summarily.	6 months or level 5 on the standard scale or both.”
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SCHEDULE 2

Section 6

MINOR AND CONSEQUENTIAL AMENDMENTS

The Criminal Justice Act 1982

1 In Part II of Schedule 1 to the Criminal Justice Act 1982 (c. 48) (offences excluded from Secretary of State’s power to make orders concerning the early release of prisoners), after the entry relating to section 3A of the Road Traffic Act 1988 (c. 52) there shall be inserted –

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“Section 86A (causing death by driving dangerously a horse-drawn vehicle etc.)”

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The Police and Criminal Evidence Act 1984

2 In paragraph 17 of Schedule 1A to the Police and Criminal Evidence Act 1984 (c. 60) (arrestable offences), after the words “section 170” there shall be inserted the words “or section 170A”.

3 In Part II of Schedule 5 to the Police and Criminal Evidence Act 1984 (c. 60) (serious arrestable offences), after the entry relating to section 3A of the Road Traffic Act 1988 (c. 52) there shall be inserted –

“Section 86A (causing death by driving dangerously a horse-drawn vehicle etc.)”

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SCHEDULE 3

Section 7

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Highway Act 1835 (c. 50)	In section 78, the words “shall by negligence or wilful misbehaviour cause any hurt or damage to any person, horse, cattle, or goods conveyed in any carriage, passing or being upon such highway, or”.

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Road Traffic (Amendment) Bill [HL]

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To make provision with respect to the driving and use of vehicles drawn by horses or other animals on roads or in other public places; and for connected purposes.

Brought from the Lords, 17th June 2003.

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