

**Book Review- ROAD TRAFFIC LAW 2010**  
**Simon Cooper and Michael Orme**  
**Second Edition**  
**BLACKSTONE'S PRACTICAL POLICING**  
**SERIES**  
**Oxford University Press**  
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**Book review by Sally Ramage, *The Criminal Lawyer***

As the preface states, this book is a practical guide for those police officers in their daily business of enforcing traffic laws, addressing mainly the common problems and regularly encountered situations. It is not an encyclopaedia of road traffic law. The book is divided into twelve chapters and also contains five appendices.

**Accidents, Dangerous and Careless driving**

Section 170 of the Road Traffic Act defines what a 'reportable' accident is and chapter 2 deals excellently with this subject. Chapter 2 tells us that section 2 of the Road Traffic Act 1988 gives five parts to the offence of 'dangerous driving' namely:

A person who drives

a mechanically propelled vehicle

dangerously

on a road or other public place

is guilty of an offence

The very serious matters of causing death by inconsiderate driving, careless driving (Road Safety Act 2006, section 20) automatism, causing death while disqualified, unlicensed or uninsured (Road Safety Act 2006, section 21) are included in chapter 2. Causing death by careless driving can carry a five-year prison sentence on indictment. The above offences are sometimes called 'vehicular homicide' and the matter has been much discussed, debated and consulted over.

The very useful appendices in this book include a table of road traffic offences as per appendix 1, consisting of the law creating the offence, the general nature of the offence, the mode of prosecution, punishment, disqualification, endorsement on one's driving license and penalty points suffered.

**Speeding**

Speeding is a very common offence and this is covered in chapter 12.

Today most speeding offences are caught on camera and they carry a fixed penalty. '*Both roads and individual vehicle types may be subject to speed restrictions*' the authors state. If a road has a system of

street lighting with lamps not more than 200 yards apart, then, unless there are any contrary signs, it is a restricted road and it is subject to a 30 mile-per-hour speed limit.

In some parts of the country, the police, for example in Staffordshire, offer an alternative to the fixed penalty procedure called a 'speed awareness scheme' where, rather than a fine, the offender is offered speed management skills, which, if accepted, means that the offender will not be fined nor will his driving licence show any penalty points. The course is not free however but costs £60 (the same amount as the fixed penalty fine) and costs 4 hours in time, but hopefully is more worthwhile than a fine.

There are exceptions to a speed limit for vehicles used by the fire brigade, ambulance or for police purposes, if the observance of that provision will hinder the use of the vehicle for the purpose for which it is being used on that occasion (Road Safety Act 2006). Such exceptions do have limitations, however. The case of *Alan Armsden (executor of the estate of Rachael Cheesewright, deceased) v Kent Police* [2009] was one in which the police were found partly negligent in not using sirens when speeding. An accident with another car caused a death and the failure to use sirens had exacerbated the danger that there might be another car about to enter a road junction at the same time as the police car.

### **Driving whilst disqualified**

Chapter 6 deals with this offence. This can be a very serious offence especially because such a driver usually holds no certificate of insurance (Road Traffic Act 1988). Or the person may have been disqualified for a past drink-driving offence, or the person may hold no driving license, contrary to section 87 of the Road Traffic Act 1988 or the person may not yet have passed their driving test. The person may only hold a learner licence for a motor cycle.

This very important book illustrates that road traffic law is very complex. What is also important to traffic police officers is the fact that many serious crimes have been solved as a result of a traffic stop or chance encounter with a police officer. For example, when a vehicle is stopped for ignoring a red light and it is discovered that the occupants have just completed a burglary or when a driver is pulled over because of an equipment violation and, through questioning, the police officer learns that the other occupant in the vehicle is a 'wanted person'.

### **Stop and search**

Of course police have 'stop and search' powers. The primary purpose of 'stop and search' powers is to enable officers to allay or confirm suspicions about individuals without exercising their power of arrest. Before the search takes place the officer must inform the person (or the owner or person in charge of the vehicle that is to be searched) of his or her entitlement to a copy of the record of the search, including his entitlement to a record of the search if an application is made within 12 months, if it is wholly impracticable to make a record at the time. Reasonable suspicion can sometimes exist without specific information or intelligence and on the basis of some level of generalisation stemming from the behaviour of a person.

Of course when stopped, inspection of documents as dealt with in Chapter 6, is essential for possible offences under section 165 of the Road Traffic Act 1988 and the driver may be asked to produce his certificate of the vehicle's insurance; and driving licence, and if not on their person, these documents must be produced within seven days at a police station, although the driver must give oral explanations to the officer. Today all traffic officers have access to the police national computer and can therefore check out oral explanations.

## **Conclusion**

Road traffic law is essential reading for traffic 'cops' and getting it right is essential, not only because of the human implications but also the monetary implications. Road traffic law is a very lucrative topic of law for lawyers in respect of insurance claims.

Finally, on a lighter note, the following tale may make one smile:

As detailed in a motor insurance claim form:

*"I was driving along on Christmas Eve, on the Cannock Chase Road, near Shugborough House, the National Trust property, when two reindeers stepped onto the road right in front of my vehicle, thereby causing the dents in my front fenders..."*

ENDS+