



By the end of this lesson, you will be able to:

1. State the definition of a Road Traffic Collision as defined under Section 170 Road Traffic Act 1988.
2. Describe the difference between a 'reportable' and 'non-reportable' Road Traffic Collision.
3. Define the terms – 'Owing to the Presence', 'Mechanically Propelled Vehicle', 'Road', 'Public Place', 'Personal injury is caused to', 'Driver', 'Damage is caused to' and 'Trailer'.
4. Explain the responsibilities of drivers as identified by Section 170 Road Traffic Act 1988.
5. Explain the offence of 'Failing to Stop/Report an Accident' contrary to Section 170(4) Road Traffic Act 1988.
6. Explain the offence of 'Failing to produce proof of insurance after an injury accident' contrary to Section 170(7) Road Traffic Act 1988.

Road Traffic Collisions

Owing to the presence of a mechanically propelled vehicle (MPV) on a road or other public place, an accident occurs whereby;
personal injury is caused to a person (other than the driver of that MPV)

OR

damage is caused to:

a vehicle (other than the MPV or any trailer drawn by it)

OR

an animal (other than one in or on that MPV or any trailer drawn by it)

OR

any other property, constructed on, fixed to, growing in or otherwise forming part of the land on which the road or other place in question is situated or land adjacent to such land.

Section 170(1) Road Traffic Act 1988



Section 170 (1) Road Traffic Act 1988 imposes obligations on drivers of MPV's who are involved in road accidents.



Reportable and Non-Reportable Road Traffic Collisions



If the collision falls within the definition then the collision is classed as **reportable** and there are certain responsibilities on the driver or drivers involved in the collision.

Basically, if the damage or injury only involves the driver or owner of the vehicle then there is no requirement to report the matter to the police.

Owing to the Presence

The accident must have been as a result of a
Mechanically Propelled Vehicle (MPV)
being present at the scene



The definition of an RTC does not mention blame, that is for the officer to investigate and decide upon

‘Owing to the presence’ means the vehicle has to be on the road or other public place and that vehicle being there has to be the cause of the injury or damage.

A parked and unattended vehicle will be **‘present’**

There does not even have to be a collision.

If a motor vehicle parked at the side of the road develops an electrical fault, catches fire and as a result a vehicle parked in front of it also catches fire the ‘accident’ falls within the definition as far as the legislation is concerned.

Mechanically Propelled Vehicle (MPV)



A vehicle constructed so that it
can be propelled mechanically



A mechanically propelled vehicle is, quite simply, a vehicle that is constructed so that it can be propelled mechanically by steam, electric, petrol, diesel, oil or gas.

The test of whether a vehicle is 'mechanically propelled' is one of construction rather than use.

Removing an engine from a vehicle does not stop it from being 'mechanically propelled' if you can show that the engine can be easily replaced.

A car with a flat battery is still a 'mechanically propelled vehicle'

This is an objective test relating to the vehicle's design and **NOT** the intention of the owner.

Road

Any highway and
any other road to which the
public has access, and includes
bridges over which the road
passes



Sec 192(1) Road Traffic Act provides the definition of a 'road' This is the same definition as relates to offences under Construction & Use Regulations.

Whether the public has access is a question of fact.

If only a restricted section of the public (such as members of a club) has access to a 'road' then it is not enough to make it a 'road' under the Road Traffic Act.

Any access enjoyed by the public must be with the agreement of the landowner. Members of the public must not have obtained access 'either by overcoming a physical obstruction or in defiance of prohibition, express or implied'.

Therefore, roads are capable of being closed or cordoned off in a way that alters their status.

Car parks and forecourts may in exceptional cases be shown to be roads and it will ultimately be for a court to decide.

Whilst car parks may not often be held to be roads, they may fall into the category of 'public places'.

Generally a road stretches to boundary fences or grass verges adjacent to it, including any pavements.

If a vehicle is partly on a road and partly on some other privately owned land it can be treated as being 'on a road' for the purposes of road traffic legislation.

Public Place



Any place to which the public have access whether on payment or otherwise



In order to prove that a place is in fact a 'public place' it must be shown that:

- those people who are admitted to the place in question are members of the public and are admitted as such, not as members of some special or particular 'class' of the public or as a result of some special characteristic not shared by the public at large; and
- those people are admitted with the permission, either express or implied, of the owner of the land in question.

Some places which have been held to be a 'public place' include:

- A privately owned caravan site open to campers
- A school playground used outside of school hours as a leisure park by members of the public
- A field used in connection with an agricultural show
- A car park attached to commercial premises intended only for the use of customers but accessible *from* a public place and with no restrictions placed on people entering the car park.

Whether a place is a 'public place' will be a question of fact for the Court.

This means that different magistrates courts can arrive at different decisions when presented with the same facts. Therefore, it is important for police officers to provide enough evidence to show that a particular location amounted to a 'public place'.

Personal injury is caused to

- A person **other than** the driver of that MPV
- A passenger in that MPV
- The driver or rider of another vehicle
- A pedestrian



Injury under **Section 170 Road Traffic Act 1988**, has been held to:

Include shock and it would appear that psychological harm may well amount to an 'injury' for these purposes.

If only the driver is injured, the provisions will not apply, however they do if a passenger in the driver's vehicle is injured.

Driver



The primary consideration as to whether a person is driving is a question of fact, dependant on the degree and extent to which the person has control of the direction and movement of the vehicle.

It is possible for more than one person to be the 'driver' of the vehicle.

- Where one person sits in the driving seat while another reaches across and operates the steering wheel, both can be 'drivers' of the vehicle.
- A learner driver and their instructor may both be the drivers of a vehicle.

Under the legislation relating to accidents, the 'driver' of a vehicle is under an obligation in relation to that vehicle while it remains on a road and that duty can continue even after the person leaves the vehicle for a short time.

The term 'driver' includes a person who takes the vehicle out on the road and remains the driver until they finish their journey even though they may have stopped and switched off the engine some minutes before the accident.

This definition was established in the case of *Jones v Prothero* (1952)

Damage is caused to



A vehicle **other** than that MPV (or trailer being drawn by it)

The vehicle damaged does not need to be a MPV

It can be a pedal cycle



The damage to another 'vehicle' **does not** restrict the other vehicle to being 'a mechanically propelled vehicle'.

Therefore an accident between a mechanically propelled vehicle and a pedal cycle is included, though if the cyclist collides with a parked vehicle the responsibility is only on the owner of the car!

An accident between two pedal cycles by definition is not included

Damage is caused to an animal other than one in or on the MPV or trailer



Cattle



Horse



Ass



Mule



Pig



Sheep



Dog



Goat



Notice the term damage is used rather than killed.

This is because animals are, in most cases, considered to be property.

The list of animals under Sec 170(8) does not include one of the most common 'victims' of road traffic collisions, cats.

This is because the animals listed are seen as of some financial/economic value.

Damage is caused to

Any property constructed on the land on which the road is situated or land adjacent to it

Can include:

- Buildings
- Walls



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Damage is caused to

Any **property**

- fixed to or
 - growing in
- the land on which the road is situated or land adjacent to it

Can include:

- Traffic signs
- Bollards
- Trees



Roadside property - includes property constructed on, fixed to, growing in, or otherwise forming part of the land on which the road is situated or land adjacent thereto.

If a street lamp, road sign or other highway furniture is damaged there may be nobody available to whom the motorist can supply his details at the scene, in which case he must report the accident to the police.

Trees, crops and plants are property within this section.

Damage is caused to



Any **property** otherwise forming part of the land on which the road is situated or land adjacent to it.



Can include:

- Hedges
- Fences
- Lawns



The damage can be to private property but the vehicle must have been travelling along a road, or other public place, immediately before the incident.

Damage does not have to be permanent or beyond repair, but the physical appearance must have been altered in some way.

Trailer



A vehicle drawn by a motor vehicle



Sec 185 Road Traffic Act 1988, defines a 'trailer' as a vehicle drawn by a motor vehicle.

When a motor vehicle is towed by another motor vehicle, the former still falls within the category of motor vehicle but can also be regarded as a 'trailer'

Road Traffic Collisions

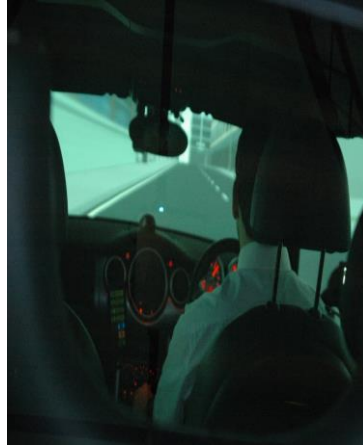


Section 170 Road Traffic Act 1988

Driver **MUST**

STOP

Provide details to **any person**
having reasonable grounds to
require them



Under the Road Traffic Act 1988, there are certain obligations placed upon the driver or drivers of vehicles involved in RTCs.

There are circumstances where these obligations can be waived, however it is important to understand when these circumstances apply

The collision **must** have been brought about owing to the vehicle's presence on a 'road' or 'other public place',
Therefore **Sec.170** does not apply to accidents which occur on private premises.

Section 170 Road Traffic Act 1988



The driver **must stop** and **remain** at the scene long enough to allow any person **having reasonable grounds** to do so to ask for details.



Stopping’.

The driver **must** stop and remain at the scene for such time as is sufficient to enable any person who has a right to do so, and reasonable grounds for so doing, to obtain from the driver directly and personally

The driver **does not** have to wait indefinitely

The driver **does not** have to make any enquiries at the scene to discover whether there is anyone in close proximity entitled to the statutory information

The requirement to provide details is not fulfilled if that person knows the driver personally

The person **having ‘reasonable grounds’** cannot be defined as the scope is so wide.

It would obviously include the driver, passengers of other vehicles, owners of damaged property or their representatives.

The offence of failing to stop at the scene of an accident is a serious one.

It is committed whether or not the driver reports the accident to the police later.

A driver who has had too much to drink might well not want to stop at the scene to have their excess alcohol discovered. They would rather report the accident some hours later to the police, however, they cannot do so and escape conviction for this offence.

Details to be provided

Driver's Name & Address

Owner's Name & Address

Registration Number or ID number of MPV

If **PERSONAL INJURY RTC**, include Insurance details



Non-Personal Injury (NPI) RTC

The driver(s) involved **must**:

- **STOP**
- Give name and address
- Name and address of owner (if different)
- Vehicle details

To any person having reasonable grounds for requiring them

Personal Injury (PI) RTC

The driver(s) involved **must**

- **STOP**
- **Comply with requirements as above &**
- Produce certificate of insurance to a Constable or person having reasonable grounds for requiring such

If these rules are complied with no further action is required by either driver

A vehicle could be involved in an RTC involving serious injury and the fact that all the details **could** be exchanged could mean that the police would not be involved

What if details are not provided?

The driver **MUST** report it **IN PERSON** to

a Police Officer
OR
at a Police Station

as soon as reasonably practicable

or in any case

WITHIN 24 HOURS



If the driver does not give his/her name and address, (and produce a certificate of insurance if required), then he/she must report the accident to a police officer or at a police station.

This must be done **as soon as reasonably practical** (which will be a question of fact for the court to decide in each circumstance) and **in any case within 24 hours of the occurrence of the incident.**

This latter requirement **does not give the driver up to 24 hours to report the accident** – that report should be made **as soon as is reasonably practical.**

The duty to report is **not** discharged if the driver waits until the police call at his/her house and then tells them, neither is it discharged if the driver tells a friend who happens to be a police officer.

PSC will inform any person who contacts the police of the procedure that they must follow and that they will commit an offence if they do not comply.

Any report **must be made in person**, telephoning a police station is not enough.



Fail to Stop/Report an Accident
S170(4) Road Traffic Act 1988

Fail to Produce Proof of Insurance after
Injury Accident
S170(7) Road Traffic Act 1988



These are not 'driving' offences and **Sec 170** is not limited to situations where the accident is caused by 'driving' the vehicle concerned.

Whether a defendant was the driver of a relevant vehicle at the relevant time is a question of fact for the court to determine.

In doing so, the Court may take into account facts such as those outlined in *R v Cawthorn*, e.g. that the defendant had been driving the vehicle before the accident, that he had parked the vehicle – returning to it immediately after the accident – and that he had left his hazard warning lights on indicating that his journey was not finished

If a driver **fails to stop** **and** **fails to report** an accident they commit **two** offences.

Triable summarily only - 6 months' imprisonment and/or fine. Discretionary Disqualification.

Section 170 places a clear obligation on the driver involved in an accident resulting in damage or injury to report the accident to the police

This requirement is not negated either by police attendance at the incident or by the driver being taken to hospital.

Road Traffic Collisions

Gwent Police

Texting Whilst Driving U.K



Trainer to explain the following before showing video clip.

The film tells the story of a fictional 17-year-old girl, Cassie Cowan (nickname COW), who is distracted by her mobile for a few seconds while driving with two friends. COW – a "nice girl from a nice valleys family" – causes a devastating crash which kills her friends and another couple. The impact and its aftermath is portrayed in vivid, harrowing and bloody detail.

Gwent police had intended to commission a different film – on joyriding, but when they spoke to pupils at Tredegar comprehensive, the youngsters told them that texting while driving was a much more important issue for them.

With a budget of £10,000, film-maker Peter Watkins-Hughes was asked to write and direct the film. Local people donated props including the cars that are smashed up and the locations while Watkins-Hughes and his cast gave their time.

<https://www.youtube.com/watch?v=UsAIM68oxRM>

