



Prifysgol Cymru
Y Drindod Dewi Sant
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HEDD
POLIC

Road Traffic Definitions & Commonly Used Terms

Driver



Includes a person who takes a vehicle out on a road, and remains the driver until s/he finishes their journey

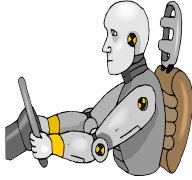
A person can still be a driver even though they have stopped and switched off the engine



Driving

Not defined under Road Traffic Act
1988

... means in control of the propulsion
AND the steering of the vehicle








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Whether a person was driving or not at the relevant time was a question of fact, dependant on the degree and extent to which the person has control of the direction and movement of the vehicle.

There must be evidence of these features.

Mere suspicion on the part of the officer is not sufficient to prove that a person was in fact 'driving'.

In addition, what a person was doing must fall within the ordinary meaning of the word 'driving'

Other factors which will be considered by the Court will be:

- The degree to which the person had control over the direction and movement of the vehicle
- How long the defendant had control
- Whether the person actually used the controls to direct the movement of the vehicle.

Applying these principles;

- Pushing a car along while steering it has been held **NOT** to be driving as far as the law in England & Wales is concerned (*R v McDonagh (1974)*)
- Kneeling on the driver's seat of a car and releasing the handbrake **HAS** been held to be driving (*Rowan v Chief Cons Merseyside 1985*)
- A person sitting in the driver's seat of a car with the engine running **HAS** been held to be driving (*Planton v DPP 2002*)

For the purposes of Road Traffic law, motor cycles are 'driven' as opposed to 'ridden'

- Straddling a motorcycle and 'pedalling' it along with the feet **CAN** amount to driving

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 his or her instructor may both be the drivers of a vehicle.

For the purposes of many road traffic offences, the person who takes out the vehicle remains the driver of it until they have finished that journey. If the vehicle has been stationary and has been for some time, a person may still be the driver of it if they have not completed the journey.

This is particularly relevant in the light of offences using mobile phones as simply pulling over to the side of the road can still amount to driving.

Vehicle

A **vehicle** is any kind of carriage or conveyance, and includes:

Coach

Car

Motorcycle

Bicycle

Horse Drawn Cart





Motor Vehicle



A mechanically propelled vehicle
intended or adapted for use on
roads









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A motor vehicle is defined as **‘a mechanically propelled vehicle intended or adapted for use on roads’**

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’

A petrol driven micro-scooter has been held to be a motor vehicle within the definition of the Road Traffic Act as has a motor-assisted pedal cycle (moped) has been held to be a mechanically propelled vehicle even when it is being pedalled.

Intended/adapted

In order to discover if the vehicle is intended or adapted for use on a road, eg Go-kart, the test is objective. Would a reasonable person say that the vehicle could be used on a road?

The owners intention for use of the vehicle is generally not relevant.

Where a vehicle has been rebuilt, it will be assumed the vehicle will continue its intended use on a road.

Motor vehicle – (s185(1) RTA 1988) – subject to section 20 of the Chronically Sick and Disabled Persons Act 1970 (which makes special provision about invalid carriages, within the meaning of that Act), a mechanically propelled vehicle intended or adapted for use on roads, and “trailer” means a vehicle drawn by a motor vehicle

Mechanically Propelled Vehicle






A vehicle that is constructed so that it can be propelled mechanically

- Steam
- Electric
- Petrol
- Diesel
- Oil
- Gas





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 Aberystwyth

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Mechanically Propelled Vehicle

This refers to any source of mechanical power:

- **S** - Steam
- **E** - Electricity
- **P** - Petrol
- **D** - Diesel
- **O** - Oil
- **G** - Gas



Remember '**SEP** the **DOG**'




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.

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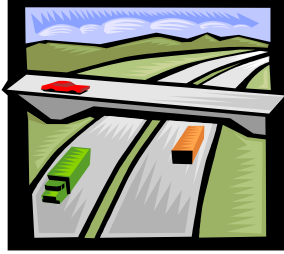
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Road

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

[Sec.192\(1\) of the Road Traffic Act 1988](#)



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Sec 192(1) Road Traffic Act 1988 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.

Highway




The whole or a part of a highway other than a ferry or waterway.




Where a highway passes over a bridge or through a tunnel, that bridge or tunnel is to be taken for the purposes of the Act to be a part of the highway.




Highway – (Sec.328 of the Highway Act 1980) – The whole or a part of a highway other than a ferry or waterway. Where a highway passes over a bridge or through a tunnel, that bridge or tunnel is to be taken for the purposes of the Act to be a part of the highway.

The general legal definition deals with right of use not the form of construction; this is distinct from e.g. the popular use of the word in the US. A highway is defined in English common law by a number of similarly-worded definitions such as "a way over which all members of the public have the right to pass and repass without hindrance" usually accompanied by "at all times"; ownership of the ground is for most purposes irrelevant thus the term encompasses all such ways from the widest trunk roads in public ownership to the narrowest footpath providing unlimited pedestrian access over private land.

A highway might be open to all forms of lawful land traffic (i.e. vehicular, horse, pedestrian) or limited to specific types of traffic or combinations of types of traffic; usually a highway available to vehicles is available to foot or horse traffic, a highway available to horse traffic is available to pedestrians but exceptions can apply usually in the form of a highway only being available to vehicles or subdivided into dedicated parallel sections for different users.

A highway can share ground with a private right of way for which full use is not available to the general public as often will be the case with farm roads which the owner may use for any purpose but for which the general public only has a right of use on foot or horseback. The status of *highway* on most older roads has been gained by established public use while newer roads are typically *dedicated* as highways from the time they are adopted (taken into the care and control of a council or other public authority). In England and Wales, a public highway is also known as "*The Queen's Highway*".

The core definition of a highway is modified in various legislation for a number of purposes but only for the specific matters dealt with in each such piece of legislation. This is typically in the case of bridges, tunnels and other structures whose ownership, mode of use or availability would otherwise exclude them from the general definition of a highway, examples in recent years are commonly toll bridges and tunnels which have the definition of *highway* imposed upon them (in a legal order applying only to the individual structure) to allow application of most traffic laws to those using them but without causing all of the general obligations or rights of use otherwise applicable to a highway

Carriageway

A way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles.

Sec. 329 of the Highway Act 1980



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Motorcycle

A Motorcycle is a MPV other than
an invalid carriage

It has 3 wheels or less

Max unladen weight not to
exceed 410kgs

Sidecar is part of the motorcycle
and not a trailer



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Motor cycle – (Sec.108 (1) RTA 1988) – A mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms

Learner Motorcycle

Propelled by electric power

or

Engine capacity not exceeding 125cc

and

The maximum net power output of its engine does not exceed 11 Kilowatts.



Honda CG 125

8kw output

124cc



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Moped

A motor vehicle which has fewer than four wheels

Maximum design speed not exceeding 50 km/h (30 mph)

If propelled by an internal combustion engine, has a cylinder capacity not exceeding 50 cc



Moped – **Sec.108 (1) RTA 1988** – means a motor vehicle which has fewer than four wheels and:

- (a) in the case of a vehicle the first use (as defined in regulations made for the purpose of section 97(3)(d) (grant of driving licences) of which occurred before 1st August 1977, has a cylinder capacity not exceeding 50 cubic cms and is equipped with pedals by means of which the vehicle is capable of being propelled, and
- (b) in any other case, has a maximum design speed not exceeding 50 kilometres per hour and, if propelled by an internal combustion engine, has a cylinder capacity not exceeding 50 cubic cms

Motor car

Means a **Mechanically Propelled Vehicle** not being a motor cycle, motor tractor or an invalid carriage, which is constructed itself to carry a load or passengers and of which the weight unladen does not exceed 3050kgs



Motor car – (s185 (1) RTA 1988) – A mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers.

Mechanically Propelled Vehicle, not being a motor cycle, motor tractor or an invalid carriage, which is constructed itself to carry a load or passengers and of which the weight unladen:

(a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than 7 passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Secretary of State, does not exceed 3050 kilograms;

b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms (or 3500 kilograms if the vehicle carries a container or containers for holding, for the purposes of its propulsion, any fuel which is wholly gaseous at 17.5 degrees Celsius under a pressure of 1.013 bar or plant and materials for producing such fuel); or

(c) in a case falling within neither of the foregoing paragraphs, does not exceed 2540 kilograms

Heavy motor car - Sec 185(1)RTA 1988

Means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and of which the weight unladen exceeds 2540 kilograms. (without the trailer)




Goods vehicles

A motor vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description









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Goods vehicles		
Small		< 3.5 tonnes
Medium		3.5 > 7.5 tonnes
Large/Heavy		7.5 tonnes >

Small Goods vehicle – Schedule 1 Goods vehicles (Licensing of Operators) Act 1995

Schedule 1

Meaning of Small Goods Vehicle

1A A [goods vehicle](#) falls within this paragraph if the vehicle, or a [vehicle combination](#) including the vehicle, has a permissible laden mass not exceeding 3.5 tonnes;

2 A goods vehicle falls within this paragraph if it does not form part of a vehicle combination and -

(a) has a relevant plated weight not exceeding 3.5 tonnes, or

(b) if it does not have a relevant plated weight, has an [unladen weight](#) not exceeding 1525 kilograms.

3(1) A goods vehicle falls within this paragraph if it forms part of a vehicle combination, other than an [articulated combination](#), and the combination is such that -

(a) in a case where all the vehicles comprised in it, or all of those vehicles except any small trailer, have relevant plated weights, the aggregate of the relevant plated weights of those vehicles, exclusive of any such trailer, does not exceed 3.5 tonnes, or

(b) in any other case, the aggregate of the unladen weights of the vehicles comprised in the combination, exclusive of any small trailer, does not exceed 1525 kilograms.

3(2) In this paragraph **small trailer** means a trailer having an unladen weight not exceeding 1020 kilograms.

4 A goods vehicle falls within this paragraph if it forms part of an articulated combination which is such that -

(a) in a case where the trailer comprised in the combination has a relevant plated weight, the aggregate of -

(i) the unladen weight of the motor vehicle comprised in the combination, and

(ii) the relevant plated weight of that trailer, does not exceed 3.5 tonnes, or

(b) in any other case, the aggregate of the unladen weights of the motor vehicle and the trailer comprised in the combination does not exceed 1525 kilograms.

5 In any provision of paragraphs 2 to 4 **relevant plated weight** means a plated weight of the description specified in relation to that provision by regulations.

Note

The regulations presently referred to in paragraph 5 are presently the [Goods Vehicles \(Plating and Testing\) Regulations 1988](#).

Passenger vehicles




A vehicle constructed solely for the carriage of passengers and their effects







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Passenger Vehicle – A vehicle constructed solely for the carriage of passengers and their effects

Minibus - A motor vehicle which is constructed or adapted to carry more than 8 but not more than 16 seated passengers in addition to the driver.

Large Bus - A vehicle constructed or adapted to carry more than 16 seated passengers in addition to the driver.

Hackney Carriage - UK regulations define a hackney carriage as a taxicab allowed to ply the streets looking for passengers to pick up, as opposed to private hire vehicles (sometimes called minicabs), which may pick up only passengers who have previously booked or who visit the taxi operator's office.

Invalid Carriage - Means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person.

Trailer

A vehicle drawn by a motor vehicle



Passenger Vehicle – A vehicle constructed solely for the carriage of passengers and their effects

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Semi - Trailer

A vehicle which is constructed or adapted to form part of an articulated vehicle



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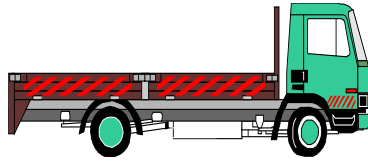
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Unladen Weight

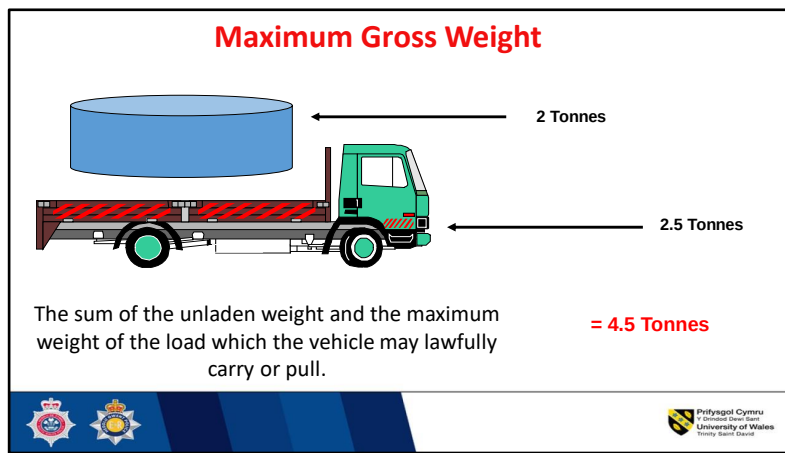
Includes the weight of the body and all parts.

Excludes: Water, fuel, accumulators (batteries)
used for supply of power for propulsion, loose
tools and equipment.

Does not include the load.



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Maximum gross weight – (s108 (1) RTA 1988) – The weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry.

Train weight – In relation to a motor vehicle which may draw a trailer, the maximum laden weight for the motor vehicle together with any trailer which may be drawn by it

Any questions?

