



The Road Traffic Act 1988

Information Guide

Key Aspects of the Road Traffic Act 1988 and Road Safety in Scotland

PREPARED BY FJSS GROUP

Road Safety Awareness Project for the Black African Community in West Lothian and the Lothians -
Supported by the Rees Jeffreys Traffic Fund



1. INTRODUCTION

FJSS Group is a legal grassroots charity organisation based in West Calder, Scotland. Through its Road Safety Awareness Project, supported by the Rees Jeffreys Traffic Fund, our organisation aims to improve understanding of road safety and traffic law among members of the Black African community in West Lothian and the wider Lothians.

Depending on the success of this project and the feedback that we will get, we hope to explore this beyond the Lothians areas to cover the whole of country because Scotland has welcomed people from many countries and legal systems. In recent years, the number of Black African people settling in Scotland has increased significantly.

Many new residents among the Black African community will already have driving experience, but the rules in Scotland may differ considerably from those in their countries of origin. Differences can include which side of the road drivers use, speed-limit systems, drink-driving limits, licensing requirements, insurance rules, roundabout priorities, the use of vehicle tests, and the powers of the police.

Understanding these differences is essential. A person may have driven safely and legally in another country but still commit an offence in Scotland if they rely on rules from their previous jurisdiction. Ignorance of the law is generally not a defence. Drivers are responsible for making sure that they hold the correct licence, are properly insured, and understand the rules regulating their vehicle and conduct.

This guide explains important aspects of the **Road Traffic Act 1988**, together with related regulations, the Highway Code and common road traffic offences. It covers driving licences, vehicle insurance, roadworthiness, speeding, dangerous and careless driving, drink- and

drug-driving, mobile phones, collisions, penalty points, disqualification and practical safety advice.

The central message is simple: safe driving requires knowledge, preparation, concentration, patience and respect for all road users.

2. IMPORTANT LEGAL NOTICE

This guide provides **general educational information only**. It is not a complete statement of the law and must not be treated as a substitute for:

1. The Road Traffic Act 1988 or any other legislation
2. The Highway Code
3. Official information from the UK Government, DVLA or Police Scotland
4. A court decision
5. Professional advice from a qualified solicitor or other appropriately authorised legal adviser.

Traffic law can change. The legal consequences of an offence depend on the precise facts, the driver's previous record, the type of vehicle involved, the location of the incident and whether anyone was injured or killed. Some offences must be dealt with in court, while others may initially result in a fixed penalty notice.

Anyone who has been arrested, charged, summoned to court, served with a notice of intended prosecution, or threatened with disqualification should obtain independent legal advice promptly.

3. THE SCOTTISH ROAD TRAFFIC LEGAL FRAMEWORK

The **Road Traffic Act 1988** is one of the principal pieces of legislation governing road use in Great Britain, including Scotland. It contains important provisions concerning:

1. Driving licences and driving tests
2. Insurance
3. Dangerous and careless driving
4. Drink- and drug-driving
5. Vehicle construction and use
6. Duties following collisions
7. Disqualification and penalty points
8. Driving while disqualified and other serious offences.

It operates alongside other legislation, including the Road Traffic Regulation Act 1984, the Road Traffic Offenders Act 1988, the Motor Vehicles (Driving Licences) Regulations, vehicle construction and use regulations, and laws concerning vehicle registration and taxation.

The **Highway Code** is also essential. It contains legal rules, advisory guidance and explanations of good driving practice. Some Highway Code rules are supported by specific legal provisions. A breach of a rule may therefore be evidence of careless or dangerous driving, even where the rule itself is expressed as guidance rather than a separate criminal offence.

Police Scotland enforces road traffic law in Scotland. Depending on the circumstances, an alleged offence may lead to a warning, a fixed penalty, a conditional offer, a notice requiring information about the driver, arrest or prosecution in court. Scottish courts deal with prosecutions arising in Scotland. The legal framework is broadly shared with England and Wales, but court procedures, local authority arrangements and some practical services may differ.

Rules in Scotland should not be confused with the rules of another country. Great Britain drives on the **left-hand side** of the road, and many road signs, lane markings and priorities differ from those used elsewhere.

4. DRIVING LEGALLY IN SCOTLAND

A person must hold a valid driving licence with the correct entitlement for the vehicle being driven. Different categories apply to cars, motorcycles, vans, buses, minibuses and heavy goods vehicles. A normal car licence does not automatically authorise a person to drive every type of vehicle.

A new driver normally applies for a **provisional driving licence**, studies for the theory test and then takes a practical driving test. A learner driver must comply with the conditions attached to the provisional licence. For example, the vehicle must display the required “L” plates in Scotland, and the learner must be supervised by someone who meets the legal requirements. The supervisor must usually be at least 21 years old and have held a full licence for the relevant vehicle category for the required period. The learner must not drive alone or carry out a journey without proper supervision.

A learner driver must also obey all other rules, including those concerning insurance, vehicle tax, roadworthiness, seat belts, speed and alcohol or drugs. Passing a test does not remove the duty to continue learning and driving cautiously.

People arriving from overseas must check whether their licence is valid for driving in Great Britain and for how long. The rules depend on:

- 1.** The country or territory that issued the licence
- 2.** The type of vehicle
- 3.** Whether the person is visiting or has become resident

4. The date the person became resident
5. Whether the licence can be exchanged for a British licence
6. Whether a theory and practical test are required.

A person must not assume that an overseas licence remains valid indefinitely after moving to Scotland. Some licences may be used for a limited period after becoming resident, while others may need to be exchanged or replaced. The definition of residence and the applicable period can be technical. The safest approach is to check the current rules through **GOV.UK and the DVLA** before driving.

An international driving permit may assist with driving in certain circumstances, but it does not remove the need for appropriate insurance or replace a valid licence where a British licence is required. A driver should carry the documents or information required by law and must respond properly to a police request for driving details.

5. REGISTRATION, INSURANCE, MOT TESTING AND ROADWORTHINESS

Before a vehicle is used on public roads, the registered keeper must ensure that it is properly registered and that the relevant vehicle tax has been paid, unless a lawful exemption applies. Vehicle registration does not itself prove that a person is insured or legally entitled to drive.

At least **third-party motor insurance** is generally required for a vehicle used on a public road or in a public place. Third-party insurance covers legal liability for injury to other people and damage to their property. Comprehensive insurance provides wider cover, but the level of cover does not alter the basic legal requirement to be insured.

Insurance must cover the actual use being made of the vehicle. A policy for social, domestic and pleasure use may not cover commuting, carrying passengers for payment, business journeys or delivery work. Drivers must also be correctly named or permitted under the policy. It is an offence to drive without valid insurance, even if the driver mistakenly believed that another person's policy covered them.

Most cars and many other vehicles must have a valid **MOT test certificate** once they reach the applicable testing age. An MOT certificate does not guarantee that a vehicle is safe throughout the year. The driver remains responsible for checking and maintaining the vehicle. A vehicle can become dangerous after passing an MOT, and some defects may arise between tests.

Drivers should regularly check:

- 1** Tyres, including tread depth and pressure
- 2** Lights, indicators and brake lights
- 3** Brakes and steering
- 4** Mirrors, windows and windscreen
- 5** Number plates
- 6** Windscreen washers and wipers
- 7** Seat belts and child restraints
- 8** Fuel, oil and coolant levels.

Tyres must be suitable, correctly inflated and legally compliant. Driving with defective tyres, obscured lights, a damaged windscreen or insecure loads can result in prosecution and may contribute to a collision.

The driver is responsible for ensuring that the vehicle is safe before and during a journey. Where a person borrows a vehicle, they should independently confirm that it is taxed, MOT-tested where required and

insured for their use. “The owner said it was insured” is not a reliable safeguard.

6. DANGEROUS, CARELESS AND INCONSIDERATE DRIVING

The law distinguishes between **dangerous driving and careless or inconsiderate driving**.

Dangerous driving is driving that falls far below the standard expected of a competent and careful driver and that it would be obvious to such a driver that the manner of driving was dangerous. Examples may include:

1. Racing or participating in an unlawful speed trial
2. Driving at a very high speed in unsuitable conditions
3. Overtaking in a dangerous location
4. Ignoring traffic signals or road closures in a seriously hazardous way
5. Driving while seriously distracted
6. Knowingly driving a vehicle with a dangerous defect
7. Aggressive driving that creates a serious risk of collision.

A conviction for dangerous driving is serious. It normally involves disqualification, an extended driving test before the person can regain entitlement, penalty consequences and potentially imprisonment. If dangerous driving causes death, much more severe offences and penalties may apply.

Careless or inconsiderate driving is conduct falling below the standard expected of a competent and careful driver. Examples include:

1. Following another vehicle too closely

2. Failing to look properly before changing lane
3. Pulling out of a junction without adequate observation
4. Braking suddenly without good reason
5. Obstructing another driver unnecessarily
6. Driving while distracted by passengers, food or a device
7. Failing to adapt to poor weather or road conditions.

Careless driving can result in penalty points, a fine and, in serious cases, disqualification. The distinction between careless and dangerous driving depends on the evidence. A driver should never assume that a collision automatically means they have committed an offence, but should also understand that a lack of collision does not automatically mean that their driving was lawful.

Drivers must constantly assess visibility, traffic, pedestrians, cyclists, road surfaces, lighting, weather and the behaviour of others. A speed that is technically below the limit may still be unsafe in rain, snow, fog, darkness or heavy traffic.

8. SPEEDING AND SPEED LIMITS

Speed limits are legal maximums, not targets. Drivers must obey national and local limits and should drive more slowly when conditions require it.

For a typical car, the national limits are generally:

1. 30 miles per hour on roads with street lighting, unless signs indicate otherwise
2. 60 miles per hour on a single carriageway
3. 70 miles per hour on a dual carriageway
3. 70 miles per hour on a motorway.

Different limits can apply to vans, towing vehicles, buses, goods vehicles and motorcycles. Local authorities may impose 20 mph, 40 mph or other

limits, and signs must be followed. Drivers should not rely on assumptions based on road appearance. A broad road may have a lower limit, while a road that appears rural may have a different restriction.

Speed may be enforced by fixed cameras, average-speed cameras, police vehicles, handheld devices and other approved methods. A speeding offence may result in a fixed penalty, penalty points or court proceedings. More serious cases can result in a higher fine and disqualification.

If a driver receives a notice requiring information about who was driving, it must be answered within the applicable time. Failing to identify the driver can itself be a serious offence and may attract penalty points and a substantial fine.

Where a driver accumulates 12 or more penalty points within the relevant period, the court may impose a **totting-up disqualification**, normally for at least six months. A driver may argue that disqualification would cause exceptional hardship, but this is a legal test, not a general request for sympathy. Loss of employment or difficulty travelling does not automatically establish exceptional hardship. Legal advice is strongly recommended.

4. DRINK-DRIVING AND DRUG-DRIVING

Driving after consuming alcohol or drugs is one of the most dangerous forms of road use. In Scotland, the legal alcohol limits are lower than those applying in England and Wales. The prescribed limits in Scotland are generally:

1. 50 milligrams of alcohol per 100 millilitres of blood
2. 22 micrograms of alcohol per 100 millilitres of breath
3. 67 milligrams of alcohol per 100 millilitres of urine.

There is no dependable formula for calculating how many drinks a person can consume and remain under the limit. Alcohol affects people differently, and a person may still be over the limit the following morning.

A driver may be committing an offence because their ability to drive is impaired, even where the measured alcohol level is below the specified limit. Drug-driving offences can involve specified controlled drugs above legal limits or driving while unfit through drugs. Prescribed medicines can also affect driving ability. Drivers should follow medical and pharmaceutical advice, read warnings and speak to a doctor or pharmacist if uncertain.

Police may stop vehicles and require a roadside breath test where the legal conditions apply. A driver may later be required to provide an evidential specimen of breath, blood or urine. Refusing without a lawful excuse can itself be an offence and can result in disqualification and other penalties.

The consequences of drink- or drug-driving can include a minimum period of disqualification, a fine, a criminal record, increased insurance costs, employment difficulties and imprisonment in serious cases. If another person is injured or killed, the consequences are substantially more severe.

The safest prevention measures are straightforward: do not drink or take impairing drugs before driving arrange a sober driver use public transport or a taxi stay overnight and do not rely on coffee, food, sleep or a cold shower to remove alcohol from the body.

5. MOBILE PHONES AND DISTRACTION

Using a handheld mobile phone or other specified handheld device while driving is generally illegal. The offence can apply when a vehicle is stationary in traffic, for example at red lights, unless the vehicle is safely parked. Holding the device to make a call, send a message, access the internet, take a photograph or use an app can lead to prosecution.

There are limited legal exceptions, including certain emergency situations and some contactless payment circumstances. These exceptions are narrow and should not be treated as permission to use a phone casually.

A hands-free device is not automatically safe or lawful in every situation. A driver must remain in proper control and must not allow a conversation, navigation system or other device to distract them. Eating, drinking, smoking, applying make-up, turning around to speak to passengers or reaching for objects may also result in careless or inconsiderate driving.

A driver should programme a sat-nav before starting, secure loose items, silence notifications and stop in a safe, lawful location if a call or adjustment is necessary. Passengers should support the driver by avoiding unnecessary distraction.

6. SEAT BELTS, CHILD RESTRAINTS AND VULNERABLE ROAD USERS

Seat belts must be worn where fitted, subject to limited legal exemptions. The driver is responsible for ensuring that children are properly restrained. Child seats and booster systems must be suitable for the child's height, weight and age and must be correctly fitted.

A child must not be carried in a manner that leaves them unrestrained where the law requires a suitable restraint. A rear-facing child seat must

not normally be used in a seat protected by an active frontal airbag unless the airbag has been deactivated.

Drivers must take particular care around vulnerable road users, including:

1. Pedestrians, especially children and older people
2. Cyclists
3. Motorcyclists and scooter users
4. Horse riders
5. Wheelchair users and people with disabilities
6. People using mobility aids.

Drivers should leave adequate space when passing cyclists and motorcyclists, reduce speed near horses and avoid sounding the horn unnecessarily. At crossings and junctions, drivers should anticipate that pedestrians may need additional time to cross. A person's legal priority is only part of the question: responsible driving requires avoiding danger even where another road user has made an error.

7. COLLISIONS AND DUTIES AFTER AN ACCIDENT

Where a collision causes injury or damage, the driver must stop and provide required information. This normally includes the driver's name and address, the vehicle owner's details where different, and the registration number. Insurance details must be provided where legally required or requested.

If the driver does not exchange details at the scene, or if another person reasonably requests insurance information and it is not provided, the collision must be reported to the police within the applicable legal time. In practical terms, a driver should contact the police as soon as possible where anyone is injured, the circumstances are disputed, the other driver leaves, or details cannot be exchanged.

At the scene, drivers should:

- a.** Stop safely and switch off the engine
- b.** Use hazard lights where appropriate
- c.** Call emergency services if anyone is injured or in danger
- d.** Avoid moving injured people unless there is immediate danger
- e.** Exchange details with other drivers
- f.** Record vehicle positions, road conditions and visible damage
- g.** Obtain witness details where possible
- h.** Avoid admitting legal liability at the roadside
- i.** Cooperate with the police and provide accurate information.

The duties under road traffic law are separate from insurance and civil compensation claims. A driver should preserve photographs, dashcam footage and relevant documents, but must not interfere with evidence or make misleading statements.

8. PENALTY POINTS, FIXED PENALTIES AND DISQUALIFICATION

Many motoring offences involve endorsement of a driving record with penalty points. Points may remain relevant for different periods depending on the offence. Insurance companies may also ask about convictions and endorsements for a period specified by the policy or law.

A fixed penalty can be offered for certain offences where the circumstances meet the relevant requirements. Accepting a fixed penalty normally involves paying the fine and accepting the stated points. A person should not accept it without understanding the consequences, particularly where points may result in disqualification.

Some cases proceed directly to court because of seriousness, previous convictions, collision circumstances or aggravating factors. Courts may impose fines, penalty points, disqualification, unpaid-work requirements or imprisonment.

The **New Drivers Act** applies to drivers during the first two years after passing their first practical driving test. If the driver accumulates six or more penalty points during that period, the licence is revoked automatically. The person must apply for a new provisional licence and pass the required tests again. This is different from an ordinary court disqualification.

Ignoring official notices can create additional offences. A person should open and respond to correspondence from the police, DVLA, Procurator Fiscal or court. If language, literacy or understanding is a difficulty, the person should request appropriate assistance and obtain advice rather than ignoring the document.

9. UNINSURED DRIVING, VEHICLE THEFT AND DRIVING WHILE DISQUALIFIED

Driving without insurance is a serious offence. It may result in a fixed penalty of £300 and six penalty points where the case is dealt with in that way. Court proceedings can lead to an unlimited fine, disqualification and further consequences. The vehicle may also be seized.

The registered keeper and driver should check insurance status before a journey. A vehicle can be uninsured because a policy expired, a payment failed, the driver is excluded, the vehicle is being used for an undeclared purpose, or the driver has not yet obtained the correct entitlement.

Taking a vehicle without consent, theft of a vehicle and using a stolen vehicle are criminal offences with potentially serious imprisonment and driving consequences. A person should never use a vehicle merely because keys are available or because they believe informal permission exists.

Driving while disqualified is a separate offence. The vehicle may be seized, and the driver may face imprisonment, a fine and a further period of disqualification. If a person is unsure whether a licence has been revoked, suspended or disqualified, they should not drive until the position has been confirmed officially.

10.POLICE POWERS AND DRIVERS' RIGHTS

Police officers may lawfully stop vehicles and require information or documents in accordance with road traffic legislation. They may check driving entitlement, insurance, vehicle condition and compliance with road traffic law. In appropriate circumstances, officers may require a breath test, examine a vehicle, issue a fixed penalty, arrest a person or report an allegation for prosecution.

Drivers should remain calm, stop safely and follow reasonable instructions. They should not argue at the roadside, obstruct officers or provide knowingly false information. A driver can make a note of the officer's details and the circumstances afterwards.

If arrested, a person should listen carefully to the caution, request legal advice and use an interpreter if needed. A person should not guess, speculate or sign documents they do not understand. Seeking legal advice is not an admission of wrongdoing it is a sensible safeguard in a criminal investigation.

11. PRACTICAL GUIDANCE FOR PEOPLE ARRIVING FROM OTHER COUNTRIES

Newly settled residents should take time to learn Scotland's road environment before driving independently. Key differences may include:

1. Vehicles drive on the left
2. The driver sits on the right side of most cars
3. Traffic approaching from the right generally has priority at roundabouts
4. Road signs and markings follow uk conventions
5. Distances and speed limits are commonly expressed in miles and miles per hour
6. Zebra, pelican, puffin and toucan crossings operate under specific rules
7. Emergency vehicles may approach from unexpected directions
8. Rural roads may be narrow, unlit and bordered by walls, animals or steep drops.

At roundabouts, drivers should choose the correct lane, signal appropriately, give priority as required and check blind spots before changing lane or exiting. At junctions, drivers should not assume that a vehicle on the larger road will always be visible or that another driver will give way.

Emergency vehicles using blue lights, sirens or both should be allowed to pass safely. Drivers should not enter prohibited areas, mount pavements or take dangerous action merely to create space. They should remain alert for more than one emergency vehicle.

Previous driving experience is valuable, but it is not a guarantee that a person understands Scottish law. Taking professional lessons, studying

the Highway Code and completing official practice tests can prevent misunderstandings.

12.ROAD SAFETY CHECKLIST

Before starting a journey, drivers should:

- j.** Hold the correct licence and vehicle entitlement
- k.** Confirm that insurance covers the journey and the driver
- l.** Check mot and vehicle tax status
- m.** Inspect tyres, lights, windows and mirrors
- n.** Secure children and luggage
- o.** Programme navigation equipment
- p.** Plan the route and allow sufficient time
- q.** Avoid driving when tired, ill or impaired
- r.** Check weather and travel information.

During the journey, drivers should:

- 1.** Wear a seat belt and ensure passengers do the same
- 2.** Obey speed limits and road signs
 - 1.** Keep a safe following distance
 - 2.** Check mirrors and blind spots
 - 3.** Signal clearly
 - 4.** Remain patient and avoid aggressive driving
 - 5.** Keep mobile phones out of reach
 - 6.** Take breaks on long journeys
 - 7.** Slow down for rain, snow, ice, fog, darkness and standing water.

Rural roads require particular care. They may contain sharp bends, hidden entrances, cyclists, walkers, farm vehicles, animals and changing road surfaces. In winter, ice may remain on bridges and shaded sections even when other roads appear clear.

Fatigue is a major risk. Drivers should stop in a safe place, take a proper break and, if necessary, postpone the journey. Loud music, open windows and caffeine are not reliable substitutes for sleep.

Passengers also have responsibilities. They should wear seat belts, avoid distracting the driver and never encourage speeding, phone use or unsafe overtaking.

13.COMMUNITY-FOCUSED CONCLUSION

Road safety is a shared responsibility. The Road Traffic Act 1988 and related laws establish minimum legal standards, but safe communities require more than avoiding prosecution. Drivers should aim to be observant, defensive, considerate and prepared.

For members of the Black African community in West Lothian and the Lothians, gaining confidence with Scottish road rules is an important part of settling safely and independently. FJSS Group's project seeks to make information accessible, culturally sensitive and practically useful. Asking questions, attending awareness sessions, studying the Highway Code and seeking qualified advice when necessary, can prevent collisions and protect families.

Reliable sources of current information include:

- s.** GOV.UK
- t.** the Driver and Vehicle Licensing Agency (DVLA)
- u.** the official Highway Code

- v. Police Scotland
- w. local authority road-safety services
- x. qualified driving instructors
- y. qualified solicitors for individual legal problems.

This guide is an educational resource, not the law itself. Drivers must check the current legal position and obtain professional advice where their circumstances require it. A lawful and considerate driver helps protect pedestrians, cyclists, passengers, other motorists and the wider Scottish community.