NEW MOTOR LEGISLATION.

BY

STENSON COOKE,

SECRETARY, THE AUTOMOBILE ASSOCIATION.

In the early days of motoring, when the utility of the motor vehicle was in the balance, medical men were among the first to realize the comparative advantages of the motor vehicle. To-day the motor car is indispensable to the medical profession. The few motor cars of those early days were regarded by many as dangerous machines, but since then motoring has made phenomenal strides. The thousands have become millions. The wonderful development of mechanical transport completely altered the everyday life of the public, and new legislation to meet these changed conditions has been long overdue.

Those who motored in the first few years of the present century will have realized that for over twenty-five years the law has been unchanged. During that time Royal Commissions and Departmental Committees have been appointed from time to time to investigate the legislative problems of motor transport, but it is only now that the results of those investigations have been given definite effect. About a year ago the Road Traffic Bill was introduced in the House of Lords. At the beginning of August last that bill received the Royal Assent.

Dangerous Driving.

The new Road Traffic Act abolishes the twenty-mile speed limit imposed in 1903. The futility of this artificial restriction was apparent from the start, and its only real value was as a means of extracting fines from the pockets of otherwise law-abiding citizens for the technical offence of exceeding the fixed limit. There was no question of danger to others, and the twenty-mile limit contributed nothing to the safety of the public.

Perhaps I may be pardoned for saying at this point that as far back as 1910-11 the Automobile Association took the initiative in drafting a new Motor Car Bill containing provisions for cancellation of the speed limit. Since that time there has been a growing body of opinion in favour of repealing the speed limit and increasing the penalties for dangerous driving. The main objection to the fixed limit has always been the fact that, whilst under some conditions it is possible to drive safely at thirty to forty miles per hour, in others a speed of only ten miles per hour might be dangerous.

These important factors are recognized in the new Act, but this does not mean that the dangerous or inconsiderate driver will be allowed to imperil others. The law in regard to dangerous driving is tightened up considerably, and a new offence of "careless driving" is created. Motorists must still drive cautiously and with reasonable consideration for other road users. The courts have comprehensive powers to suspend driving licences, and the penalties for dangerous driving have been increased, for the first offence to £50 or up to four months' imprisonment, and for the second and subsequent offence £100 or up to four months' imprisonment, or to both such fine and imprisonment.

These increased penalties rendered it necessary, in the interests of the rank and file of motorists, that there should be adequate safeguards against unjust convictions for dangerous driving. An amendment was obtained which gives every person charged with this offence the right of electing to be tried by a jury. Also, to remedy the present position in which a motorist may be entirely ignorant of the details of the charge he has to meet until he appears in court, the A.A. was instrumental in securing that where a person is prosecuted for reckless, dangerous, or careless driving he shall not be convicted unless:

- (a) He was warned at the time the offence was committed; or
- (b) the summons was served within fourteen days of the commission of the alleged offence; or
- (c) a notice of the intended prosecution, giving details as to the nature, time, and place of the alleged offence, was served on or sent by registered post to the driver or registered owner of the car within fourteen days of the commission of the alleged offence.

Drunkenness.

The offence of being drunk in charge of a motor vehicle has been extended to cover a person who, when under the influence of *drugs*, is incapable of having proper control of

the vehicle. For the first offence a fine up to £50, or imprisonment up to four months, may be inflicted. For a second or subsequent conviction the maximum penalty is increased to £100, or four months' imprisonment, or to both such fine and imprisonment. The courts have also wide powers to disqualify a person from holding a licence. It will be seen that the penalties for this offence are substantially the same as for dangerous driving.

Third Party Risks.

Compulsory third party insurance is also a prominent feature of the new Act. When it comes into operation on January 1st, 1931, a person will not be allowed to use, or permit any other person to use, a motor vehicle on the road unless it is covered by insurance against legal liability in respect of the death of, or injury to, any person caused by that vehicle. Property is not covered. Regulations have yet to be made as to the exact manner in which this will operate, but, in addition to the usual policy, the insurance company will hand to the owner a "certificate of insurance," and when applying for his car licence this certificate must be produced.

Fitness of Drivers.

The question of physical fitness has now been embodied in the law of the land. Individual tests of fitness before driving licences were granted was the original proposal, but investigations showed that the small benefit to be derived from these individual tests would be out of all proportion to the expense and administrative work entailed in setting up the necessary machinery throughout the country for carrying out such tests. As an alternative, every applicant for a driving licence will be required to make a declaration as to whether or not he is suffering from any disease or physical disability which would render it dangerous for him to drive.

The important question as to what diseases or defects shall constitute a definite bar to the driving of a motor vehicle is still the subject of discussion, but epilepsy and very defective eyesight will doubtless figure in this. There is, however, every indication that the regulations in their final form will not be unduly restrictive or irksome.

Other Provisions of the Road Traffic Act.

The provisions of the Act relating to the prevention of "joy riding" or tampering with cars are of considerable interest to medical men, who are compelled unavoidably to leave their cars on the roadside for various periods. No longer will the individual who takes away the car of another be able successfully to advance the plea that he was only "borrowing it" and intended to return it. That, in effect, is what has happened in the past. The person who drives away a car without the consent of the owner or other lawful authority will be liable to heavy fines and substantial terms of imprisonment. Similarly, a person who interferes with the brakes or other part of the car mechanism will be subject to heavy fines.

From time to time there has been a good deal of discussion as to the minimum ages at which persons should be allowed to drive various types of motor vehicles. The Act alters the present minimum age for motor cyclists from 14 to 16, and also restricts the driving of heavy locomotives, light locomotives, motor tractors, and other vehicles outside the ordinary motor car class to persons of not less than 21 years of age. In each case persons who were driving for the six months prior to January, 1930, are unaffected.

These are a few of the important changes contained in the Road Traffic Act. There are other new provisions such as (a) prohibition of motor racing on a highway, (b) restrictions as to pillion riding, (c) preparation of a Highway Code by the Minister of Transport, (d) the limitation of hours of work for the drivers of heavy motor vehicles, (e) the appointment of Traffic Commissioners, (f) the institution of mobile police, etc. Space does not permit of detailed reference to all these points, but, taking the Act as a whole, there is no doubt that it contains many improvements on the obsolete law of the past twenty-five years, and that, whilst the reasonable motorist need have no fears as to the effect of the new Act, it is clearly a definite attempt by Parliament to deal severely with the dangerous or drunken driver, and provide measures for increasing the safety of the public.