

## CHAPTER 16

# Driving offences

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### *The dangerous state of the vehicle* p 570

A driver was convicted of an offence of dangerous driving in circumstances in which a bale of straw had fallen from his vehicle and injured a pedestrian. For 25 years the driver had loaded similar bales on to a trailer and had stacked them in the same way, compressing the alternately placed bales against a headboard by the use of telescopic loaders and securing the last two bales with straps. The Court of Appeal said that on the evidence which was before the jury, it was not reasonably open to them to conclude that the system of loading was inherently dangerous and should have been obvious to a competent and careful driver. For 25 years loads had been similarly secured without incident and without comment by Health and Safety Officers. It was difficult to see how a jury could have concluded that the condition of the semi-trailer was such that it must have been obvious to a competent and careful driver at first glance. [*R v Few* [2005] EWCA Crim 728]

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### **Restricted roads** p 581

Where a driver proved that a speed restriction sign, because of an overgrowing hedgerow, was not visible until the sign itself was reached, a divisional court held that the sign must be visible to an approaching motorist in sufficient time for him to be able to comply with the requirement. [*Coombes v DPP* (2006) Times, 29 December]

Where a speed limit sign did not comply with the exact requirements of the Traffic Signs Regulations and General Directions 2002, because its visible casing did not comply with them, a divisional court held that this did not prevent a conviction for speeding. It held that the casing around the sign was not an integral part of the sign itself, nor was it a backing board for the sign. The casing could only be seen on close inspection and no motorist would have been misled about the true nature of the sign. Accordingly, even if the casing had been apart of the sign the transgression from the Regulations would be regarded as de minimus. [*Cannadine v DPP* [2007] EWHC 383 (Admin)]