

## CHAPTER 9

# Traffic: General Provisions

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### Registration plates

#### *Regulation of suppliers of registration plates p 330*

RSA 2006, s 44 referred to on p 333, is now in force.

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#### *What must be covered p 378*

For £250, 000 substitute £1,000,000.

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#### *Extent of cover p 379*

The extent of cover is that cover which is specified in the policy of insurance. Insurance policies issued to drivers of private hire vehicles restricted cover to `private hire`. The vehicles were used to ply for hire otherwise than by pre-arrangement. The insurers gave evidence to the effect that they considered themselves to be on risk. A divisional court said that the validity of a policy of insurance was a matter of construction of the insurance policy rather than such evidence given by an insurer. The policies clearly stated that use was restricted to `private hire` and the use of the vehicles was therefore an uninsured use. [*Telford and Wrekin Borough Council v Ahmed and Others* [2006] EWHC 1748 (Admin); CO/3691/2006]

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#### **Procedure in respect of notice p 387**

In a case in which the keeper of the vehicle responded by claiming that his motorcycle was also used by a friend and that neither he nor his friend could recall driving at the time, date and place alleged, he was convicted of an offence of failure to disclose the identity of the driver as he had failed to disclose the identity of the friend within the time limits imposed. A divisional court supported the conviction holding that he had had relevant information in his possession and he had been required to give any information in his power which would lead to the identification of the driver, and he had failed to provide the identity of his friend. [*R (on the application of Flegg v Southampton and New Forest Justices* [2006] EWHC 396 (Admin)]

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#### **Human rights implications of such a statutory requirement p 388**

The European Court of Human Rights has confirmed the conclusion of the Privy Council referred to at the start of the text under the above heading. [*Francis and O'Halloran v UK* (2007)]

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#### **Causing danger to road users p 391**

Two youths, during the hours of darkness, placed a yellow metal toad sign on the southbound carriageway of a single carriageway road. A car containing a lady driver and her lady passenger collided with a tree near the sign. Both were killed. Three motorists gave evidence that they were able

to see the sign from a considerable distance and were able to avoid it without difficulty. The road was subject to a 50 mph speed limit. A district judge found no case to answer to a charge of intentionally and without lawful authority or reasonable cause, causing something to be on a road in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous. The district judge considered that taking into account the width of the road, the sight lines and the speed limit he was not satisfied that it would be obvious to a reasonable person that causing the sign to be in the road would be dangerous. A divisional court held that he had been wrong to do so. Notwithstanding the facts which the district judge had found it did not follow that the act was not dangerous. A reasonable person does not expect that all motorists will drive carefully; he is aware that many do not. Such a person would be aware that this act might cause an accident. [*DPP v D* [2006] EWHC 314 (Admin)]

## **National Policing Improvement Agency**

References to the Police Information and Technology Unit throughout the chapter should be replaced by references to the National Policing Improvement Agency.