

The Law in Relation to Ambulance Driving

Learning outcomes

By the end of this chapter you should:

- Understand the importance of adhering to the principles of *The Highway Code*.
- Know your responsibilities that relate to driving in a manner that does not constitute 'dangerous', 'careless' or 'inconsiderate' driving or parking.
- Know your obligations under civil law.
- Understand who is legally authorised to claim the exemption of speed according to Section 19 of the **Road Safety Act 2006**.
- Know the importance of following your trust's procedural requirements regarding motor vehicle insurance.
- Understand the Driver and Vehicle Licencing Agency's (DVLA) medical standards that must be met for different categories of driving licence, and the requirement to comply with your trust's driving licence checks.
- Know the importance and legal requirements of following your trust's road traffic collision and incident-reporting procedures.

All road users are subject to the rules of the road and the laws in relation to driving, including *The Highway Code*, the **Road Traffic Act 1988** and the **Road Safety Act 2006**. As well as being fully conversant with these, you must also understand and comply with additional legislation relating to high-speed driving, driving licences and your own medical fitness to drive.

Ambulance drivers must also comply with the policies of their individual statutory ambulance service or organisation regarding driving licence checks and their road traffic collision reporting and incident reporting procedures.

General driving guidelines

The Highway Code outlines the rules and guidelines that promote road safety in the UK. It is produced by HM Stationery Office in a number of formats and available to view free online. While failure to observe advice within *The Highway Code* does not render that person liable to criminal proceedings, the **Road Traffic Act 1988** (The Road Traffic (NI) Order 2007) says that any failure to adhere to the *Code's* principles can be used to establish or negate liability in civil or criminal proceedings.

All statutory ambulance service drivers should have a sound knowledge of *The Highway Code*. It is a statutory obligation for all staff to drive in accordance with current road traffic legislation, which means that it is the responsibility of drivers to maintain their knowledge of the current edition of *The Highway Code*. You should always drive in a manner that demonstrates your skill and knowledge of driving matters to other road users in relation to the *Code*.

REMEMBER!

It is the responsibility of drivers to maintain their own knowledge of the current edition of *The Highway Code*.

Driving standards required by law

'If a person drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence.'

(**Road Traffic Act 1988**, amended 1991)

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Civil law

General rules, techniques and advice for all drivers and riders are contained within the current version of *The Highway Code*.

In addition to this, legislative changes that are due to be enacted will impose certain criteria on who is legally authorised to claim the exemption of speed. When enacted, Section 19 of the **Road Safety Act 2006** is likely to determine that only drivers who have satisfactorily completed a course of training in driving vehicles at high speed (exceeding the statutory speed limit) will be legally permitted to claim exemption from exceeding speed limits. In addition, they must be able to demonstrate compliance with the proposed competencies as specified in the Codes of Practice (COP).

It will be a requirement that driver competencies are assessed regularly. Similarly, instructors responsible for the delivery of this training must satisfy the COP 'instructor competencies'; these determine that the training must be carried out by appropriately qualified instructors.

Sentences for dangerous driving

In 2003 the Court of Appeal issued guideline penalties that should be considered when an incident results in death by dangerous driving. The Lord Chief Justice said that while jail terms should only be imposed where necessary, 'normally the only appropriate sentence to an offender found guilty of these offences is a custodial sentence'.

The Court of Appeal stated that, when determining the appropriate sentence, courts should bear in mind 'how important it is to drive home the message that dangerous driving has a potentially horrific impact'.

In a summary, the three judges said: 'Drivers must know that, if a person is killed as a result of their driving dangerously, a custodial sentence will normally be imposed no matter what the mitigating circumstances'.

This applies to all road users equally. No emergency, no matter how serious, will justify you being involved in an accident.