

Agnew v DPP [1990] - Police Driving

A police officer was driving an unmarked police surveillance vehicle in a training exercise on a public road. He had been instructed by his trainers to follow a target car, but treat red traffic signals in the same manner as a 'Give Way' sign.

During the exercise he passed through a red traffic light and collided with another vehicle. He pleaded guilty to careless driving and was fined and his licence was endorsed. He appealed on the grounds that the Court should have found 'special reasons' for not endorsing his licence.

Held

There were two parts to the judgment, the second being the most important:

- There were grounds for finding 'special reasons' in this type of case (following R v Wickins (1958) 42 CrAppRep 236).
- The Court still had a discretion as to what penalty should be imposed (including the power to decide whether or not to impose endorsement or disqualification etc.) and in this case there were two considerations, the need for realistic training and the safety of lawful users of the highway.

The safety of lawful users MUST always be paramount and in this particular case the Court would NOT exercise its' discretion and lift the endorsement. The officer had not followed the police driving school directive to treat the red light as a 'Give Way' sign.

*The interpretation and comments made within this document are not to be considered as legal advice.
Reference should always be made to the original case.*