COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

RESOLUTION (77) 29

ON HIT-AND-RUN OFFENCES

(Adopted by the Committee of Ministers on 28 September 1977, at the 275th meeting of the Ministers' Deputies)

The Committee of Ministers,

Recalling that the aim of the Council of Europe is to achieve a greater unity between its members by, *inter alia*, the adoption of uniform rules in penal matters ;

Considering that the large number of road traffic accidents has become a serious problem in all member states ;

Considering that, while appropriate measures should be taken to prevent such accidents, it is equally essential to ensure—without prejudice to the application of the provisions concerning the duty to aid persons in danger—that persons involved in them behave in a manner conducive to the interests of the victims and to road safety ;

Considering, in particular, that although failure to stop is punishable under most legislations of member states, there are significant discrepancies in the definition of this offence and in its field of application ;

Convinced that harmonisation of the provisions concerning hit-and-run offences is therefore desirable,

Recommends that the governments of member states apply the following principles :

1. Rules of behaviour should be laid down in respect of road accidents resulting in injury and material damage to others ;

2. Such rules should apply to any road user involved in such an accident ;

3. Any road user who may be responsible for or have brought about such an accident should be regarded as being involved in it ·

4. The rules of behaviour laid down should be designed to prevent any deliberate obstruction of the taking of relevant particulars concerning the accident, such as leaving the scene of the accident for the purpose of w thholding from the appropriate persons or authorities information, in particular as to one's identity and/or as to one's vehicle ;

5. A person committing a hit-and-run offence shall receive a sanction consistent with his personal situation and all the circumstances of his case ;

The sanction may consist of :

i. a fine which effectively represents a substantial financial sacrifice for the offender,

ii. a sentence of deprivation of liberty capable, in principle, of being conditionally suspended but which could be imposed, especially in cases of recidivism,

iii. deprivation of the right to drive ,

Such sanctions may be imposed cumulatively ;

6. General rules of penal law on complicity should apply to hit-and-run offences.