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Summary of a doctoral dissertation titled:

**The offence of allowing a defective vehicle or a dangerous driver to take part in the road traffic in the Polish criminal law.**

The rapid development of motorisation and heavy road traffic necessitate taking into account every possibility of averting dangers in traffic. Consequently, there arises a necessity to penalize unlawful conduct not only of road users, but also of any persons whose conduct may jeopardize road safety. The provision of article 179 of the Penal Code introduces criminal liability of entities which are in particular obliged to protect safety in traffic and relates to two basic factors influencing safety, namely, to the vehicle and the driver.

The essential aim of this thesis is to determine the condition of the vehicle posing a direct risk to road traffic and meeting the statutory definition of the offence prescribed in article 179 of the Penal Code; and identification of risks arising from the vehicle's driver in the modern road traffic.

In the current reality of road traffic, with the maximum authorized speed set at 140km/h on several roads and with a majority of vehicles capable of reaching a speed of over 200 km/h, even an apparently insignificant technical fault of the vehicle may cause an accident, in particular if it is difficult to identify by the vehicle's driver.

Notwithstanding the technical efficiency of the vehicle, mental and physical capacity of the driver is of utmost importance. Impairment of the mental and physical capacity of the driver may result from many factors. The provision of article 179 of the Penal Code refers to the state of drunkenness and being under the influence of intoxicants, whereas a comparable impairment of the functions of the body, therefore a threat to road safety, occurs likewise due to several other causes.

This thesis is theoretical in nature and is based on valid normative acts, rulings of the Supreme Court, available publications and professional experience of the author.

This thesis consists of ten chapters.

The first chapter discusses safety in road traffic as a protected right within the framework of the offence prescribed in article 179 of the Penal Code. Within the terms of the presented collective protected right, direct and indirect subject matter of protection is distinguished.

The second chapter analyses the moment of performing a causative action by means of allowing a vehicle to take part in traffic and allowing a person to drive a vehicle. Moreover, a relation of road traffic to land traffic is shown. Furthermore, a system of public roads and the issue of the application of road traffic rules in case of organization of racing events on the special sections passing through public roads is addressed. In addition, the chapter clarifies what driving a vehicle is and what situations entail an assumption that a certain person is driving a vehicle. Normative and scientific definitions of a vehicle and mechanical vehicle are provided and an independent unique approach to these concepts is offered. In conclusion, the features of the offence are distinguished.

The third chapter analyses the specific features of the vehicle posing a direct risk to traffic. The technical faults of the main components of the vehicle causing such a risk are explicitly defined. Moreover, the relation of the legal acts setting out guidelines for assessment of the technical condition of the vehicle to the features of a direct risk to traffic is shown.

The fourth chapter discusses the risks to traffic arising from the vehicle's driver which are characterized in the features of the offence prescribed in article 179 of the Penal Code and other comparable risks posed by the vehicle's driver.

The fifth chapter enumerates entities particularly obliged to protect road traffic safety within the terms of the offence from article 179 of the Penal Code. An analysis of the issue of sources of the specific obligation determining a group of entities liable for the offence referred to in article 179 of the Penal Code is performed.

The sixth chapter defines the necessary consciousness of the features of the offence from article 179 of the Penal Code sufficient for entities appointed to protect road safety to be held liable.

The seventh chapter presents an analysis of legal form of liability of persons particularly obliged to protect road traffic safety in connection with an occurring accident. A concept of liability on the basis of different events is formulated.

The eighth chapter presents an analysis of the issue of concurrence of provisions and offences with the offence from article 179 of the Penal Code.

The ninth chapter addresses the issue of distinguishing between the offence from article 179 of the Penal Code and misdemeanour from article 96 of the Code of Petty Offences within the material and personal scope in the context of their concurrence.

The tenth chapter points to the applicable penalty and other legal measures envisaged in connection with article 179 of the Penal Code.

Conclusions de lege lata and de lege ferenda are presented in this thesis.

