

# Road Traffic Act 1974

## CHAPTER 50

### ARRANGEMENT OF SECTIONS

#### *Liability of vehicle owners*

Section

1. Liability of vehicle owner in respect of certain fixed penalty offences.
2. Liability of vehicle owner in respect of excess parking charges.
3. Hired vehicles.
4. Time for bringing, and evidence in, proceedings for certain offences.
5. Provisions supplementary to sections 1 to 4 and Schedule 1.

#### *Amendments of Road Traffic Act 1972*

6. Traffic surveys.
7. Prohibition of parking of vehicles on verges, central reservations and footways.
8. Duty of local authorities to promote road safety.
9. Extension of construction and use regulations to lights.
10. Extension of type approval scheme to all vehicles and to vehicle parts.
11. Extension of prohibition on dealing in unroadworthy vehicles.
12. Fitting and sale of defective or unsuitable vehicle parts.
13. Amendments relating to licensing of drivers of vehicles.
14. Weighing of motor vehicles.

#### *Miscellaneous*

15. Reduction of minimum age for driving heavy goods vehicles.
16. Amendments relating to operators' licences.
17. Experimental introduction of road humps for controlling vehicle speeds.
18. Use of pyrotechnic flares by police for traffic purposes.
19. Power of police or local authority to retain custody of removed vehicles until charges are paid.

## Section

20. Authorised insurers required to be members of Motor Insurers' Bureau.
21. Variation of penalties for certain offences.
22. Jurisdiction of courts of summary jurisdiction in Scotland for certain offences.
23. Interpretation.
24. Short title, amendments, repeals, commencement and extent.

## SCHEDULES:

- Schedule 1—Statutory statements.
- Schedule 2—Type approval of vehicles and vehicle parts.
- Schedule 3—Amendments of Part III of Road Traffic Act 1972.
- Schedule 4—Amendments of Transport Act 1968 relating to operators' licences.
- Schedule 5—Variation of penalties for certain offences.
- Schedule 6—Minor and consequential amendments.
- Schedule 7—Enactments repealed.



# Road Traffic Act 1974

## 1974 CHAPTER 50

An Act to make further provision with respect to road traffic and operators' licences, and for connected purposes. [31st July 1974]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Liability of vehicle owners*

1.—(1) This section applies where—

- (a) a fixed penalty notice has been given under subsection (2), or affixed to a vehicle under subsection (7), of section 80 of the 1967 Act; and
- (b) the fixed penalty notice relates to an offence committed in respect of a stationary vehicle and falling within any of paragraphs (a) to (c) and (f) of subsection (1) of that section, other than the offence mentioned in paragraph (b) of that subsection of obstructing a road; and
- (c) the fixed penalty has not been paid within the period of 21 days mentioned in subsection (3) of that section or, if it is longer, the period fixed for payment by the fixed penalty notice.

Liability of vehicle owner in respect of certain fixed penalty offences.

(2) Subject to the following provisions of this section,—

- (a) for the purposes of the institution of proceedings in respect of the alleged offence against any person as being the owner of the vehicle at the relevant time, and

- (b) in any proceedings in respect of the alleged offence brought against any person as being the owner of the vehicle at the relevant time,

it shall be conclusively presumed (notwithstanding that that person may not be an individual) that he was the driver of the vehicle at that time and, accordingly, that acts or omissions of the driver of the vehicle at that time were his acts or omissions.

(3) Subsection (2) above shall not apply in relation to any person unless, within the period of 6 months beginning on the day on which the fixed penalty notice was given or affixed as mentioned in subsection (1)(a) above, a notice under subsection (6) below has been served on him by or on behalf of the chief officer of police.

(4) If the person on whom a notice under subsection (6) below is served in accordance with subsection (3) above was not the owner of the vehicle at the relevant time, subsection (2) above shall not apply in relation to him if he furnishes a statutory statement of ownership to that effect in compliance with the notice.

(5) The presumption in subsection (2) above shall not apply in any proceedings brought against any person as being the owner of the vehicle at the relevant time if, in those proceedings, it is proved—

- (a) that at the relevant time the vehicle was in the possession of some other person without the consent of the accused; or
- (b) that the accused was not the owner of the vehicle at the relevant time and that he has a reasonable excuse for failing to comply with the notice under subsection (6) below served on him in accordance with subsection (3) above.

(6) A notice under this subsection shall be in the prescribed form, shall give particulars of the alleged offence and of the fixed penalty concerned and shall provide that, unless the fixed penalty is paid before the expiry of the appropriate period, the person on whom the notice is served—

- (a) is required, before the expiry of that period, to furnish to the chief officer of police by or on behalf of whom the notice was served a statutory statement of ownership (as defined in Part I of Schedule 1 to this Act); and
- (b) is invited, before the expiry of that period, to furnish to that chief officer of police a statutory statement of facts (as defined in Part II of Schedule 1 to this Act).

(7) If, in any case where—

- (a) a notice under subsection (6) above has been served on any person, and
- (b) the fixed penalty specified in the notice is not paid within the appropriate period,

the person so served fails without reasonable excuse to comply with the notice by furnishing a statutory statement of ownership, he shall be liable on summary conviction to a fine not exceeding £100.

(8) If, in compliance with or in response to a notice under subsection (6) above, any person furnishes a statement which is false in a material particular and does so recklessly or knowing it to be so false, he shall be liable on summary conviction to a fine not exceeding £400.

(9) Without prejudice to section 80(2) of the 1967 Act (payment of fixed penalty before proceedings are begun a bar to conviction) where a notice under subsection (6) above has been served on any person,—

- (a) payment of the fixed penalty by any person before the date on which proceedings are begun against the person so served for an offence under subsection (7) above in respect of a failure to comply with the notice shall discharge any liability of his for that offence; and
- (b) conviction of any person of the offence specified in the notice shall discharge the liability of any other person (under this or any other enactment) for that offence and the liability of any person for an offence under subsection (7) above in respect of a failure to comply with the notice; and
- (c) conviction of the person so served of an offence under subsection (7) above in respect of a failure to comply with the notice shall discharge the liability of any person for the offence specified in the notice;

but, except as provided by this subsection, nothing in this section shall affect the liability of any person for an offence specified in a notice under subsection (6) above.

2.—(1) This section applies where—

- (a) an excess charge has been incurred in pursuance of an order under sections 35 and 36 of the 1967 Act (provision on highways of parking places where charges are made); and
- (b) notice of the incurring of the excess charge has been given or affixed as provided in the order; and

Liability of  
vehicle owner  
in respect of  
excess parking  
charges.

(c) the excess charge has not been duly paid in accordance with the order ;

and in the following provisions of this section “ the excess charge offence ” means the offence under section 42 of the 1967 Act of failing duly to pay the excess charge.

(2) Subject to the following provisions of this section,—

(a) for the purposes of the institution of proceedings in respect of the excess charge offence against any person as being the owner of the vehicle at the relevant time, and

(b) in any proceedings in respect of the excess charge offence brought against any person as being the owner of the vehicle at the relevant time,

it shall be conclusively presumed (notwithstanding that that person may not be an individual) that he was the driver of the vehicle at that time and, accordingly, that acts or omissions of the driver of the vehicle at that time were his acts or omissions.

(3) Subsection (2) above shall not apply in relation to any person unless, within the period of 6 months beginning on the day on which the notice of the incurring of the excess charge was given or affixed as mentioned in subsection (1)(b) above, a notice under subsection (6) below has been served on him by or on behalf of the authority which is the local authority for the purposes of sections 35 and 36 of the 1967 Act in relation to the parking place concerned or, as the case may be, by or on behalf of the chief officer of police.

(4) If the person on whom a notice under subsection (6) below is served in accordance with subsection (3) above was not the owner of the vehicle at the relevant time, subsection (2) above shall not apply in relation to him if he furnishes a statutory statement of ownership to that effect in compliance with the notice.

(5) The presumption in subsection (2) above shall not apply in any proceedings brought against any person as being the owner of the vehicle at the relevant time if, in those proceedings, it is proved—

(a) that at the relevant time the vehicle was in the possession of some other person without the consent of the accused ; or

(b) that the accused was not the owner of the vehicle at the relevant time and that he has a reasonable excuse for failing to comply with the notice under subsection (6) below served on him in accordance with subsection (3) above.

(6) A notice under this subsection shall be in the prescribed form, shall give particulars of the excess charge and shall provide that, unless the excess charge is paid before the expiry of the appropriate period, the person on whom the notice is served—

(a) is required, before the expiry of that period, to furnish to the authority or chief officer of police by or on behalf of whom the notice was served a statutory statement of ownership (as defined in Part I of Schedule 1 to this Act); and

(b) is invited, before the expiry of that period, to furnish to that authority or chief officer of police a statutory statement of facts (as defined in Part II of Schedule 1 to this Act).

(7) If, in any case where—

(a) a notice under subsection (6) above has been served on any person, and

(b) the excess charge specified in the notice is not paid within the appropriate period,

the person so served fails without reasonable excuse to comply with the notice by furnishing a statutory statement of ownership, he shall be liable on summary conviction to a fine not exceeding £100.

(8) If, in compliance with or in response to a notice under subsection (6) above, any person furnishes a statement which is false in a material particular and does so recklessly or knowing it to be so false, he shall be liable on summary conviction to a fine not exceeding £400.

(9) Where a notice under this section has been served on any person in respect of any excess charge,—

(a) payment of the charge by any person before the date on which proceedings are begun for the excess charge offence or, as the case may be, for an offence under subsection (7) above in respect of a failure to comply with the notice shall discharge the liability of that or any other person (under this or any other enactment) for the excess charge offence or, as the case may be, for the offence under subsection (7) above;

(b) conviction of any person of the excess charge offence shall discharge the liability of any other person (under this or any other enactment) for that offence and the liability of any person for an offence under subsection (7) above in respect of a failure to comply with the notice; and

(c) conviction of the person so served of an offence under subsection (7) above in respect of a failure to comply

with the notice shall discharge the liability of any person for the excess charge offence ;

but, except as provided by this subsection, nothing in this section shall affect the liability of any person for the excess charge offence.

**Hired  
vehicles.**

3.—(1) This section shall apply where—

- (a) a notice under section 1(6) or section 2(6) above has been served on a vehicle-hire firm ; and
- (b) at the relevant time the vehicle in respect of which the notice was served was let to another person by the vehicle-hire firm under a hiring agreement to which this section applies.

(2) Where this section applies, it shall be a sufficient compliance with the notice served on the vehicle-hire firm if the firm furnishes to the chief officer of police or local authority by or on behalf of whom the notice was served a statement in the prescribed form, signed by or on behalf of the vehicle-hire firm, stating that at the relevant time the vehicle concerned was hired under a hiring agreement to which this section applies, together with—

- (a) a copy of that hiring agreement, and
- (b) a copy of a statement of liability in the prescribed form, signed by the hirer under that hiring agreement,

and accordingly, in relation to the vehicle-hire firm on whom the notice was served, the reference in subsection (7) of section 1 or, as the case may be, section 2 above to a statutory statement of ownership shall be construed as a reference to a statement under this subsection together with the documents specified in paragraphs (a) and (b) above.

(3) In this section a “ statement of liability ” means a statement made by the hirer under a hiring agreement to which this section applies to the effect that the hirer acknowledges that he will be liable, as the owner of the vehicle,—

- (a) in respect of any such offence as is specified in section 1(1)(b) above which may be committed with respect to the vehicle during the currency of the hiring agreement ; and
- (b) in respect of any excess charge which may be incurred as mentioned in section 2(1)(a) above with respect to the vehicle during the currency of the hiring agreement.

(4) If, in a case where this section applies, the vehicle-hire firm has complied with the notice served on the firm by furnishing the statement and copies of the documents specified in sub-



section (2) above, then section 1 or, as the case may be, section 2 above shall have effect as if—

- (a) any reference therein to the owner of the vehicle were a reference to the hirer under the hiring agreement; and
- (b) any reference therein to a statutory statement of ownership were a reference to a statutory statement of hiring.

(5) Where, in compliance with a notice under section 1(6) or section 2(6) above, a vehicle-hire firm has furnished copies of a hiring agreement and statement of liability as mentioned in subsection (2) above, a person authorised in that behalf by the chief officer of police or local authority to whom the documents are furnished may, at any reasonable time within 6 months after service of that notice and on production of his authority, require the production by the firm of the originals of those documents; and if, without reasonable excuse, a vehicle-hire firm fails to produce the original of a document when required to do so under this subsection, it shall be treated as not having complied with the notice under section 1(6) or, as the case may be, section 2(6) above.

(6) This section applies to a hiring agreement under the terms of which the vehicle concerned is let to the hirer for a fixed period of less than 6 months (whether or not that period is capable of extension by agreement between the parties or otherwise); and any reference in this section to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of the fixed period specified in the agreement, but otherwise on terms and conditions specified therein.

(7) In this section—

“hiring agreement” refers only to an agreement which contains such particulars as may be prescribed and does not include a hire-purchase agreement within the meaning of the Hire-Purchase Act 1965 or the Hire-Purchase (Scotland) Act 1965; and

“vehicle-hire firm” means any person engaged in hiring vehicles in the course of a business.

4.—(1) Proceedings for an offence in England and Wales under section 1(8) or section 2(8) above may be brought within a period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge, but no such proceedings shall be brought by virtue of this section more than 3 years after the commission of the offence.

Time for bringing, and evidence in, proceedings for certain offences.

1954 c. 38.

(2) Proceedings in Scotland for an offence to which subsection (1) above applies shall not be commenced after the expiration of a period of 3 years from the commission of the offence, but subject to the foregoing limitation, and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, any such proceedings may be commenced at any time within 6 months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by a local authority, within 6 months after the date on which it came to their knowledge; and subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section.

(3) For the purposes of subsections (1) and (2) above, a certificate signed by or on behalf of the prosecutor or, as the case may be, the Lord Advocate or the local authority and stating the date on which such evidence as aforesaid came to his or their knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(4) Where any person is charged with any such offence as is specified in section 1(1)(b) above or with the offence of failing duly to pay an excess charge and the prosecutor produces to the court any of the statutory statements in Schedule 1 to this Act or a copy of a statement of liability, within the meaning of section 3 above, purporting—

(a) to have been furnished in compliance with or in response to a notice under section 1(6) or section 2(6) above, and

(b) to have been signed by the accused,

the statement shall be presumed, unless the contrary is proved, to have been signed by the accused and shall be evidence (and in Scotland sufficient evidence) in the proceedings of any facts stated in it tending to show that the accused was the owner, the hirer or the driver of the vehicle concerned at a particular time.

(5) In section 80 of the 1967 Act, subsection (10) (which restricts the making of references, in proceedings for offences to which subsection (1) of that section applies, to the giving or affixing of fixed penalty notices) shall cease to have effect.

Provisions  
supplementary  
to sections 1  
to 4 and  
Schedule 1.

5.—(1) In sections 1 to 4 above and Schedule 1 to this Act,—  
“ appropriate period ”, in relation to a notice under section 1(6) or section 2(6) above, means the period of 14 days from the date on which the notice is served, or such longer period as may be specified in the notice or

as may be allowed by the chief officer of police or authority by or on behalf of whom the notice was served ;

“ driver ”,—

(a) in relation to the alleged offence referred to in section 1(1) above, means the person by whom, assuming the alleged offence to have been committed, it was committed ; and

(b) in relation to an excess charge, as defined below, and in relation to an offence of failing duly to pay such a charge, means the person driving the vehicle at the time it was left in the parking place concerned ;

“ excess charge ” has the same meaning as in section 36 of the 1967 Act ;

“ fixed penalty ” means a fixed penalty under section 80 of the 1967 Act and “ fixed penalty notice ” means a notice under that section offering a person the opportunity of the discharge of any liability to conviction of an offence by payment of such a fixed penalty ;

“ prescribed ” means prescribed by regulations made by the Secretary of State contained in a statutory instrument subject to annulment by a resolution of either House of Parliament ;

“ relevant time ”,—

(a) in relation to the alleged offence referred to in section 1(1) above, means the time at which the offence is alleged to have been committed ; and

(b) in relation to an excess charge, as defined above, means the time when the vehicle was left in the parking place concerned, notwithstanding that the period in respect of which the excess charge was incurred did not begin at that time.

(2) Any reference in sections 1 to 4 above to a statutory statement of any description shall be construed in accordance with Schedule 1 to this Act.

(3) For the purposes of the provisions of this Act referred to in subsection (1) above, the owner of a vehicle shall be taken to be the person by whom the vehicle is kept ; and for the purpose of determining, in the course of any proceedings brought by virtue of those provisions, who was the owner of a vehicle at any time, it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicles (Excise) Act 1971.

1971 c. 10.

(4) Notwithstanding the presumption in subsection (3) above, it shall be open to the defence in any proceedings to prove that the person in whose name a vehicle was so registered at a particular time was not the person by whom the vehicle was kept at that time and to the prosecution to prove that the vehicle was kept by some other person at that time.

(5) A notice under section 1(6) or section 2(6) above may be served on any person—

(a) by delivering it to him or by leaving it at his proper address, or

(b) by sending it to him by post,

and where the person on whom such a notice is to be served is a body corporate it shall be duly served if it is served on the secretary or clerk of that body.

1889 c. 63. (6) For the purposes of subsection (5) above and of section 26 of the Interpretation Act 1889 (service of documents by post) in its application to that subsection, the proper address of any person on whom such a notice is to be served shall, in the case of the secretary or clerk of a body corporate, be that of the registered or principal office of that body, and in any other case shall be the last known address of the person to be served.

#### *Amendments of Road Traffic Act 1972*

Traffic surveys.

6. After section 22 of the 1972 Act (drivers to comply with traffic directions) there shall be inserted the following section:—

“Traffic directions for purposes of traffic surveys.

**22A.**—(1) If a traffic survey of any description is carried out on or in the vicinity of a road, then—

(a) for the purposes of section 22 of this Act, a traffic direction given by a constable to a person driving or propelling a vehicle, being a direction given for the purposes of the survey, shall be treated as a direction given by him in the execution of his duty and at a time when he is engaged in the regulation of traffic; and

(b) section 22 of this Act shall apply to a traffic sign by which a traffic direction is given for the purpose of the survey.

(2) In this section “traffic direction” means a direction to stop a vehicle, to make it proceed in, or keep to, a particular line of traffic or to proceed to a particular point on or near the road on which the vehicle is being driven or propelled, but does not include a direction requiring any person to furnish any information for the purposes of a traffic survey.

(3) In relation to a traffic direction given by a constable by virtue of this section and requiring a vehicle to proceed to a particular point, paragraph (a) of subsection (1) of section 22 of this Act shall have effect as if, after the words 'line of traffic' there were inserted the words 'or to proceed to a particular point'.

(4) The power to give a traffic direction for the purposes of a traffic survey shall be so exercised as not to cause any unreasonable delay to a person who indicates that he is unwilling to furnish any information for the purposes of the survey."

7.—(1) After section 36A of the 1972 Act (prohibition of parking of heavy commercial vehicles on verges and footways) there shall be inserted the following section:—

"Prohibition of parking of vehicles on verges, central reservations and footways.

36B.—(1) Subject to the provisions of this section, a person who parks a vehicle, other than a heavy commercial vehicle, within the meaning of section 36A of this Act, wholly or partly—

- (a) on the verge of an urban road, or
- (b) on any land which is situated between two carriageways of an urban road and which is not a footway, or
- (c) on a footway comprised in an urban road,

shall be guilty of an offence.

(2) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court—

- (a) that it was parked in accordance with permission given by a constable in uniform; or
- (b) that it was parked in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency; or
- (c) that it was parked in contravention of this section but the conditions specified in subsection (3) below were satisfied.

(3) The conditions mentioned in subsection (2)(c) above are:—

- (a) that the vehicle was parked on a verge or footway for the purpose of loading or unloading; and

(b) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footway or verge ; and

(c) that the vehicle was not left unattended at any time while it was so parked.

(4) The Secretary of State may by regulations provide that, in relation to vehicles of such classes as may be specified in the regulations, subsection (1) above shall not apply or shall apply subject to such conditions as may be so specified.

(5) The authority having power, otherwise than by virtue of section 84A (reserve powers) of the Road Traffic Regulation Act 1967, to make an order under section 1 or section 6 of that Act in relation to a road may by order specifying that road provide that the provisions of subsection (1) above shall not apply in relation to it or to any part of it specified in the order, either at all times or during periods so specified.

(6) In England and Wales a local authority, within the meaning of section 36A of this Act, may institute proceedings for an offence under this section committed with respect to a road in their area.

(7) In the Road Traffic Regulation Act 1967—

(a) section 82 (powers exercisable with respect to boundary roads) shall apply for the purpose of subsection (5) above as it applies for the purposes of sections 1(1) and 6(1) of that Act ;

(b) section 84(1) (general duty of local authorities with respect to road traffic) shall apply as if subsections (1) and (5) above were contained in that Act ; and

(c) sections 84A (reserve powers), 84C (procedure as respects certain orders), 84D (provisions as to variation or revocation, and as to making by Secretary of State, of certain orders) and 84E (limitation of right to challenge certain orders) shall apply in relation to orders under subsection (5) above as they apply in relation to orders under any provision of section 1 or section 6 of that Act.

(8) In this section “ footway ” has the same meaning as in the Highways Act 1959 or, as respects

Scotland, the Roads (Scotland) Act 1970, and “urban road” means a road which—

- (a) is a restricted road for the purposes of section 71 of the Road Traffic Regulation Act 1967 (30 m.p.h. speed limit) ; or
- (b) is subject to an order under section 74 of that Act imposing a speed limit not exceeding 40 m.p.h. ; or
- (c) is subject to a speed limit not exceeding 40 m.p.h. which is imposed by or under any local Act.”

(2) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences) after the entry relating to section 36A there shall be inserted the following entry:—

“ 36B. Prohibition of parking of vehicles on verges, central reservations and footways.	Summarily. £100. — —	Sections 181 and 183 apply.”
---	----------------------	------------------------------

8.—(1) For subsection (2) of section 38 of the 1972 Act (powers of local authorities as to giving road safety information and training) there shall be substituted the following subsections:—

Duty of local authorities to promote road safety.

“ (2) Each local authority shall prepare and carry out a programme of measures designed to promote road safety and shall have power to make contributions towards the cost of measures for promoting road safety taken by other authorities or bodies.

(2A) Without prejudice to the generality of subsection (2) above, in pursuance of their duty under that subsection each local authority—

- (a) shall carry out studies into accidents arising out of the use of vehicles on roads or parts of roads, other than trunk roads, within their area ;
- (b) shall, in the light of those studies, take such measures as appear to the authority to be appropriate to prevent such accidents, including the dissemination of information and advice relating to the use of roads, the giving of practical training to road users or any class or description of road users, the construction, improvement, maintenance or repair of roads for which they are the highway authority and other measures taken in the exercise of their powers for controlling, protecting or assisting the movement of traffic on roads ; and

(c) in constructing new roads, shall take such measures as appear to the authority to be appropriate to reduce the possibilities of such accidents when the roads come into use”.

(2) In consequence of the amendment effected by subsection (1) above—

(a) in section 38(4) of the 1972 Act for the words “arrangements made” there shall be substituted the words “measures taken”;

(b) in section 39 of that Act for the word “arrangements”, in each place where it occurs, there shall be substituted the word “measures” and for the word “made” there shall be substituted the word “taken”; and

(c) in Schedule 2 to that Act for the word “arrangements”, in each place where it occurs, there shall be substituted the word “measures” and for the word “made”, in the first place where it occurs in paragraph 1(1) of that Schedule, there shall be substituted the word “taken”.

Extension of construction and use regulations to lights.

9.—(1) Regulations under section 40 of the 1972 Act (construction and use of motor vehicles and trailers) may make provision in relation to lighting equipment and reflectors as well as other equipment of motor vehicles and trailers and, accordingly, after paragraph (g) of subsection (1) of that section there shall be inserted the following paragraph:—

“(gg) lighting equipment and reflectors”.

(2) After subsection (2) of section 40 of the 1972 Act there shall be inserted the following subsection:—

“(2A) Without prejudice to the generality of subsection (1) above, regulations under this section with respect to lighting equipment and reflectors—

(a) may require that lamps be kept lit at such times and in such circumstances as may be specified in the regulations; and

(b) may extend, in like manner as to motor vehicles and trailers, to vehicles of any description used on roads, whether or not they are mechanically propelled”.

(3) In section 81(2) of the 1972 Act (a person selling etc. a reflector or tail lamp which does not comply with certain prescribed conditions shall be guilty of an offence) for the words “conditions prescribed under sections 68 to 79 of this Act for” there shall be substituted the words “construction and use requirements applicable to”.



(4) Notwithstanding the repeal by this Act of any provision of sections 68 to 82 of the 1972 Act relating to the lighting of vehicles—

(a) any instrument made (or having effect as if made) under any of those sections shall have effect on and after the coming into operation of this section as if made, by virtue of the preceding provisions of this section, under section 40 of the 1972 Act and may be varied or revoked accordingly; and

(b) subject to subsection (5) below, any provision contained in an enactment or instrument which is not repealed by this Act and in which any expression is given the same meaning as in, or is otherwise to be construed by reference to, any provision of the said sections 68 to 82 which is repealed by this Act shall continue to be construed as if that provision had not been so repealed.

(5) The Secretary of State may by regulations made by statutory instrument make such amendments as he considers appropriate to take account of the preceding provisions of this section in any enactment or instrument which refers (whether directly or by virtue of the Interpretation Act 1889 or otherwise) to any provision of sections 68 to 82 of the 1972 Act which is repealed by this Act. 1889 c. 63.

(6) A statutory instrument containing regulations under subsection (5) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

10.—(1) Sections 47 and 48 of the 1972 Act (scheme of type approval for goods vehicles) shall be amended as follows:—

(a) subject to paragraphs (c) to (e) below and subsection (2) below, the word “goods” shall be omitted from the expression “goods vehicle” (or “goods vehicles”), in each place where it occurs; Extension of type approval scheme to all vehicles and to vehicle parts.

(b) for the words “manufacturer’s certificate”, in each place where they occur, there shall be substituted the words “certificate of conformity” and accordingly in section 47(10)(a) for the words “manufacturer’s certificates” there shall be substituted the words “certificates of conformity”;

(c) in section 47(5), for the words “in such cases” there shall be substituted the words “in the case of goods vehicles of such classes”;

(d) in subsections (6) and (7) of section 47 (which relate to plated weights) for the word “vehicle”, in each place where it occurs, there shall be substituted the words “goods vehicle”; and

- (e) in section 47(8), after the words “ approval requirements and ” and “ design weights and ” there shall in each case be inserted the words “ in the case of a goods vehicle ” and after the words “ such a certificate ” there shall be inserted the words “ in respect of a goods vehicle ”.

(2) Subsection (11) of section 47 of the 1972 Act (after issue of first Minister’s approval certificate for an imported vehicle, subsequent certificates for similar vehicles may be issued without examination) shall be amended as follows—

- (a) for the words “ an imported goods vehicle ” there shall be substituted the words “ a vehicle ”;
- (b) after the words “ application of ” there shall be inserted the words “ the manufacturer of the vehicle or, in the case of an imported vehicle ”;
- (c) for the words “ any other goods vehicle imported by the importer ” there shall be substituted the words “ any other vehicle manufactured by that manufacturer or, as the case may be, imported by that importer ”;
- (d) after the words “ such a certificate ” there shall be inserted the words “ in respect of a goods vehicle ”.

(3) After section 49 of the 1972 Act there shall be inserted the following section:—

“ Application of type approval scheme to vehicle parts.

**49A.**—(1) Subject to subsection (2) below, sections 47 to 49 of this Act shall apply in relation to parts of vehicles as they apply in relation to vehicles ; and accordingly—

- (a) any reference in those sections to a vehicle, other than a reference to a goods vehicle, shall be construed as including a reference to a vehicle part, and
- (b) in the application of section 47(1) in relation to vehicle parts for the reference to a vehicle of a class being used on a road there shall be substituted a reference to a vehicle part of a class being fitted to a vehicle used on a road.

(2) Notwithstanding anything in subsection (1) above, in the application of sections 47 to 49 of this Act in relation to vehicle parts, there shall be excluded any provision which relates solely to goods vehicles or design weights and accordingly, but

without prejudice to the generality of that exclusion,—

(a) in section 47, subsections (2), (3)(a), (6), (7) and (10), and

(b) in section 48, subsection (5),

shall not apply in relation to vehicle parts.”

(4) In section 50(1) of the 1972 Act (regulations for purposes of sections 47 to 49) for the word “49” there shall be substituted the word “49A” and for paragraph (e) there shall be substituted the following paragraphs—

“(e) may require the payment of fees or other charges in connection with the provision by the Secretary of State of services or facilities or the issue by him of certificates and other documents ;

(ee) may provide for the authorisation of persons to carry out examinations, in connection with the issue of type approval certificates, of vehicles or vehicle parts of such classes as may be specified in the regulations, for the imposition of conditions to be complied with by persons so authorised and for the withdrawal of authorisations.”

(5) In section 61 of the 1972 Act (testing condition of used vehicles at sale rooms, etc.) after subsection (1) there shall be inserted the following subsection :—

“(1A) An authorised examiner may at any reasonable hour enter premises where vehicles or vehicle parts of a class prescribed for the purposes of section 51 of this Act are sold, supplied, offered for sale or supply, exposed for sale or otherwise kept for sale or supply, in the course of a business and test and inspect any such vehicle or vehicle part for the purpose of ascertaining whether the vehicle or vehicle part complies with the type approval requirements applicable to a vehicle or vehicle part of that class, and for the purpose of testing a motor vehicle and any trailer drawn by it may drive it and for the purpose of testing a trailer may draw it with a motor vehicle ”.

(6) In section 162(1)(iii) of the 1972 Act (production of certain certificates relating to a goods vehicle) after the words “plating certificate” there shall be inserted the word “or” and the words “or one or more certificates in force under section 47 of this Act” and “or 51(1)” shall be omitted.

(7) In consequence of the amendments effected by the preceding provisions of this section, the amendments of Part III

of the 1960 Act specified in Part I of Schedule 2 to this Act and the further amendments of the provisions of the 1972 Act specified in Part II of that Schedule shall have effect.

Extension of prohibition on dealing in unroadworthy vehicles.

**11.**—(1) Section 60 of the 1972 Act (vehicles not to be sold, supplied, or offered for sale or supply, in such condition that their use would be unlawful by virtue of provisions of construction and use regulations with respect to certain matters) shall be amended in accordance with subsections (2) to (4) below.

(2) In subsection (1) of that section, after the words “to offer to sell or supply” there shall be inserted the words “or to expose for sale” and after the words “equipment of vehicles” there shall be inserted the words “or as respects the maintenance of vehicles, their parts and accessories in such a condition that no danger is or is likely to be caused”.

(3) In subsection (3) of that section, after the word “offered”, in both places where it occurs, there shall be inserted the words “exposed for sale” and for the word “offers” there shall be substituted the words “or offers it, exposes it for sale”.

(4) In subsection (4) of that section:—

(a) after the word “offer”, in the first place where it occurs, there shall be inserted the words “exposure for sale”;

(b) in paragraph (a), after the word “offered” there shall be inserted the words “exposed for sale”; and

(c) in paragraph (c), for the words “or offer” there shall be substituted the words “offer or exposure for sale”.

(5) In consequence of the amendments of section 60 of the 1972 Act contained in subsections (2) to (4) above, in section 61(1) of that Act (testing condition of used vehicles at sale rooms, etc.) for the words “or offered or” there shall be substituted the words “offered for sale or supply, exposed for sale or otherwise”.

Fitting and sale of defective or unsuitable vehicle parts.

**12.**—(1) After section 60 of the 1972 Act there shall be inserted the following section—

“Fitting and sale of defective or unsuitable vehicle parts.

**60A.**—(1) If any person—

(a) fits a vehicle part to a vehicle, or

(b) causes or permits a vehicle part to be fitted to a vehicle,

in such circumstances that, by reason of that part being fitted to the vehicle, the use of the vehicle on a road would constitute a contravention of or failure to

comply with any of the construction and use requirements, he shall be guilty of an offence.

(2) A person shall not be convicted of an offence under subsection (1) above if he proves—

- (a) that the vehicle to which the part was fitted was to be exported from Great Britain ; or
- (b) that he had reasonable cause to believe that that vehicle would not be used on a road in Great Britain or would not be so used until it had been put into a condition in which its use would not constitute a contravention of or failure to comply with any of the construction and use requirements.

(3) If any person who—

- (a) sells or supplies or offers to sell or supply a vehicle part, or
- (b) causes or permits a vehicle part to be sold, supplied or offered for sale or supply,

has reasonable cause to believe that the part is to be fitted to a motor vehicle or to a vehicle of a particular class, or to a particular vehicle, he shall be guilty of an offence if that part could not be fitted to a motor vehicle or, as the case may require, to a vehicle of that class or of a class to which the particular vehicle belongs, except in such circumstances as are mentioned in subsection (1) above.

(4) A person shall not be convicted of an offence under subsection (3) above in respect of the sale, supply or offer of a vehicle part if he proves—

- (a) that the part was sold, supplied or offered, as the case may be, for export from Great Britain ; or
- (b) that he had reasonable cause to believe that it would not be fitted to a vehicle used on a road in Great Britain or would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances as are mentioned in subsection (1) above.

(5) An authorised examiner may at any reasonable hour enter premises where, in the course of a business vehicle parts are fitted to vehicles or are sold, supplied or offered for sale and test and inspect any

vehicle or vehicle part found on those premises for the purpose of ascertaining whether—

(a) a vehicle part has been fitted to the vehicle in such circumstances as are mentioned in subsection (1) above, or

(b) the vehicle part could not be sold or supplied for fitting to a vehicle used on roads in great Britain without the commission of an offence under subsection (3) above,

and for the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(6) Any person who obstructs an authorised examiner acting under subsection (5) above shall be guilty of an offence.

(7) In subsections (5) and (6) above ‘authorised examiner’ means a person who may act as an authorised examiner for the purposes of section 53 of this Act; and any such person, other than a constable in uniform, shall produce his authority to act for the purpose of subsection (5) above if required to do so.

(8) Nothing in this section shall affect the validity of a contract or of any rights arising under a contract.”

(2) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences) after the entry relating to section 60(3) there shall be inserted the following entries:—

“ 60A(1) Fitting of defective or unsuitable vehicle parts.	Summarily.	£200.	—	—	—
60A(3) Selling defective or unsuitable vehicle parts.	Summarily.	£200.	—	—	—
60A(6) Obstructing examiner testing vehicles to ascertain whether defective or unsuitable part has been fitted, etc.	Summarily.	£100.	—	—	—”

Amendments relating to licensing of drivers of vehicles.

**13.**—(1) Part III of the 1972 Act (licensing of drivers of vehicles) shall have effect subject to the amendments in Schedule 3 to this Act, being amendments—

(a) providing for the grant of a driving licence expiring, except in certain cases, on the seventieth birthday of the holder,

(b) modifying the requirements, and requiring the disclosure of further information, relating to the physical fitness of drivers,

- (c) restricting the cases where a licence to drive motor vehicles of one class operates as a provisional licence to drive motor vehicles of other classes,
- (d) extending by one year the period which must elapse before the holder of a licence which has been endorsed with any particulars is entitled to have issued to him a new licence free from those particulars,
- (e) conferring powers on appellate courts to suspend orders of disqualification imposed by lower courts,
- (f) enabling a court, after it has convicted any person of an offence for which his licence is required to be endorsed but before it sentences him, to obtain particulars of any conviction which has previously been ordered to be endorsed on his licence, and
- (g) treating the passing of a test of competence to drive under the law in force in Northern Ireland, the Isle of Man or any of the Channel Islands as equivalent, in the case of drivers with disabilities, to passing a test under section 85 of that Act,

and amendments consequential on the matters referred to in paragraphs (a) to (g) above.

(2) After subsection (5) of section 170 of the 1972 Act (false statements and withholding material information) there shall be inserted the following subsection:—

“(5A) A person shall be guilty of an offence who fails without reasonable excuse to notify the Secretary of State as required by section 87A(1) of this Act, but no proceedings for an offence under this subsection shall be instituted in England and Wales except by the Secretary of State or by a constable acting with the approval of the Secretary of State.”

(3) In section 182 of the 1972 Act (admissibility of records as evidence) after subsection (2) there shall be inserted the following subsection:—

“(2A) In any case where—

- (a) any such statement as is referred to in subsection (1) above is produced to a magistrates' court in any proceedings for an offence involving obligatory or discretionary disqualification, within the meaning of Part III of this Act, and
- (b) the statement specifies an alleged previous conviction of an accused person of any such offence, and
- (c) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed by rules

under section 15 of the Justices of the Peace Act 1949, that not less than 7 days before the statement is so produced a notice was served on the accused, in such form and manner as may be so prescribed, specifying the previous conviction and stating that it is proposed to bring it to the notice of the court in the event of, or, as the case may be, in view of his conviction, and

(d) the accused is not present in person before the court when the statement is so produced,

the court may take account of the previous conviction as if the accused had appeared and admitted it.”

(4) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences) after the entry relating to section 170(5) there shall be inserted the following entry:—

“ 170(5A) Failure to notify Secretary of State of onset of, or deterioration in, relevant or prospective disability.	Summarily. £100. — —	Section 180
		applies.”

Weighing of motor vehicles.

**14.—**(1) Section 160 of the 1972 Act (weighing of motor vehicles) shall be amended in accordance with the provisions of this section.

(2) In subsection (1) (person in charge of a motor vehicle who refuses or neglects to comply with a requirement under that subsection to be guilty of an offence) after the word “ requirement ” there shall be inserted the words “ or obstructs a person or constable so authorised in the exercise of his functions under this section ”.

(3) At the end of subsection (1) there shall be inserted the following subsections:—

“ (1A) Regulations under subsection (1) above may make provision with respect to—

(a) the manner in which a vehicle or trailer is to be weighed or a weight is to be tested as mentioned in subsection (1) above, and

(b) the limits within which, unless the contrary is proved, any weight determined by a weighbridge or other machine for weighing vehicles is to be presumed to be accurate for the purposes of any provision made by or under this Act or by or under any other enactment relating to motor vehicles or trailers,

and the regulations may make different provision in relation to vehicles of different classes, in relation to different types of weighbridges and other machines and in relation to different circumstances.



(1B) If, for the purpose of enabling a vehicle or a trailer drawn by it to be weighed or a weight to be tested in accordance with regulations under subsection (1) above, a person or constable authorised as mentioned in that subsection requires the person in charge of the vehicle to drive the vehicle or to do any other thing in relation to the vehicle or its load or the trailer or its load which is reasonably required to be done for that purpose and the person in charge of the vehicle refuses or neglects to comply with that requirement he shall be guilty of an offence under subsection (1) above."

(4) In subsection (4) (extension, in relation to goods vehicles, of powers under section 160 to certifying officers, goods vehicle examiners and authorised officers of the Secretary of State) for the words "goods vehicles" there shall be substituted the words "vehicles of a class prescribed for the purposes of section 51 of this Act and goods vehicles generally" and after the words "apply accordingly" there shall be inserted the words "in relation to vehicles of a class so prescribed and goods vehicles generally as if references to a constable so authorised included references to such a certifying officer, examiner or officer of the Secretary of State and".

(5) After subsection (4) there shall be added the following subsections:—

" (5) A certificate in the prescribed form which—

- (a) purports to be signed by a person or constable authorised as mentioned in subsection (1) above or by a person exercising powers by virtue of subsection (4) above; and
- (b) states, in relation to a vehicle identified in the certificate, any weight determined in relation to that vehicle on the occasion of its being brought to a weighbridge or other machine in pursuance of a requirement under subsection (1) above,

shall be evidence or, in Scotland, sufficient evidence of the matter so stated.

(6) If, for the purposes of or in connection with the determination of any weight in relation to a vehicle which is brought to a weighbridge or other machine as mentioned in subsection (1) above, a person or constable authorised as mentioned in that subsection or a person exercising powers by virtue of subsection (4) above—

- (a) drives a vehicle or does any other thing in relation to a vehicle or its load or a trailer or its load, or
- (b) requires the driver of a vehicle to drive it in a particular manner or to a particular place or to

do any other thing in relation to a vehicle or its load or a trailer or its load,

neither he nor any person complying with such a requirement shall be liable for any damage to or loss in respect of the vehicle or its load or the trailer or its load unless it is shown that he acted without reasonable care.

(7) In this section 'road' includes any land which forms part of a harbour or which is adjacent to a harbour and is occupied wholly or partly for the purposes of harbour operations; and 'harbour' and 'harbour operations' have the meanings assigned to them by section 57(1) of the Harbours Act 1964."

Reduction of minimum age for driving heavy goods vehicles.

15.—(1) In subsection (3) of section 4 of the 1972 Act (regulations may modify minimum ages for driving in certain defined cases) in paragraph (a) (power to increase age for driving certain articulated vehicles) after the word "that", in the first place where it occurs, there shall be inserted the words "except in the case of a person who fulfils the conditions specified for the purpose of paragraph (d) below" and at the end of paragraph (c) there shall be added the following paragraph:—

"(d) that, in the case of a person who fulfils such conditions as may be specified in the regulations with respect to his training and employment (including membership of a training scheme approved by the Secretary of State), the age under which he may not drive a vehicle falling within paragraph 4 of the Table set out in subsection (1) above, other than a road roller, shall, if the vehicle is of a class specified in the regulations, be 18 instead of 21."

(2) In section 114 of the 1972 Act (grant of heavy goods vehicle drivers' licences) in subsection (3) (issue of provisional licence subject to prescribed conditions) after the words "(2) above" there shall be inserted the words "or a full licence granted to an applicant who is under the age of 21 on the date of the application" and at the end of that subsection there shall be inserted the following subsection:—

"(4) It shall be an offence for a person to employ another person who is under the age of 21 to drive a heavy goods vehicle of any class in contravention of any prescribed conditions subject to which that other person's licence is issued."

(3) In section 115 of the 1972 Act (duration of heavy goods vehicle drivers' licence) after subsection (1) there shall be inserted the following subsection:—

“(1A) Without prejudice to subsection (1) above, if there come into existence, in relation to the holder of a heavy goods vehicle driver's licence who is under the age of 21, such circumstances as may be prescribed relating to his conduct as a driver of a motor vehicle, the licensing authority of the area in which the licence was granted shall revoke the licence.”

(4) Section 116 of the 1972 Act (disqualification on revocation of heavy goods vehicle driver's licence) shall have effect subject to the following modifications:—

(a) at the end of subsection (1) there shall be inserted the following subsection—

“(1A) Where in pursuance of section 115(1A) of this Act the licensing authority is required to revoke the heavy goods vehicle driver's licence of a person under the age of 21, the authority shall order that person to be disqualified for holding or obtaining such a licence until he attains the age of 21”, and

(b) at the end of subsection (3) there shall be inserted the following subsection—

“(4) If, while the holder of a heavy goods vehicle driver's licence is disqualified under subsection (1A) above, the circumstances prescribed for the purposes of section 115(1A) of this Act cease to exist in his case, then, on an application made to the authority in that behalf, the licensing authority of the traffic area where he resides shall remove the disqualification, but so long as the disqualification continues in force a heavy goods vehicle driver's licence shall not be granted to him and any such licence obtained by him shall be of no effect”.

(5) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences) after the entry relating to section 114(3) there shall be inserted the following entry:—

“114(4) Employing a person under 21 to drive heavy goods vehicle in contravention of conditions of heavy goods vehicle driver's licence. Summarily. £100. — — Section 181 applies.”

Amendments relating to operators' licences.  
1968 c. 73.

**16.** The provisions of Part V of the Transport Act 1968 (regulation of carriage of goods by road) relating to operators' licences shall be amended in accordance with Schedule 4 to this Act.

Experimental introduction of road humps for controlling vehicle speeds.  
1959 c. 25.

**17.—(1)** The Secretary of State may conduct experiments as to the effectiveness, safety and acceptability to the public of the construction in or on the surface of highways of artificial humps or depressions (in this section referred to as "road humps") designed to control the speed of vehicles, and for this purpose he may, subject to the following provisions of this section, construct, maintain and remove road humps in any highway maintainable at the public expense, within the meaning of the Highways Act 1959.

(2) Except with the consent of the highway authority, the Secretary of State shall not construct a road hump in a highway for which he is not the highway authority, and where a road hump has been constructed in such a highway in accordance with this section—

- (a) neither the highway authority nor any other authority having power to maintain that highway shall remove or otherwise interfere with the road hump without the consent of the Secretary of State; and
- (b) any obligation imposed on any other person having power to break open that highway to make good any damage to it or otherwise to reinstate it shall include an obligation to make good any damage to, or otherwise reinstate, the road hump.

(3) In any case where the Secretary of State proposes to construct a road hump in a highway under this section, he shall—

- (a) publish in one or more local newspapers circulating in the area in which the highway concerned is situated, and
- (b) place at appropriate points on that highway,

a notice of his proposal, stating the nature, dimensions and proposed location of the road hump, the address to which objections to his proposals may be sent and the period, which shall be not less than 21 days beginning with the date on which the notice is first published in accordance with paragraph (a) above, within which any such objections may be so sent.

(4) The Secretary of State shall consider any objections sent to him in accordance with a notice under subsection (3) above and, if he thinks fit, may cause a local inquiry to be held; and section 279 of the Highways Act 1959 (provisions as to inquiries) shall have effect in relation to an inquiry caused to be held under this subsection as it has effect in relation to an inquiry caused to be held under that section.

(5) A road hump constructed in a highway in accordance with this section shall be removed not later than the expiry of the period of one year beginning with the day on which its construction began.

(6) The power of the Secretary of State under subsection (1) above to construct, maintain and remove road humps in a highway includes power—

- (a) to exercise the powers of a highway authority in relation to the placing, maintenance and removal of any traffic sign, within the meaning of the 1967 Act, relating to a road hump in a highway for which he is not the highway authority, and
- (b) to carry out any works ancillary to or consequential on the construction, maintenance or removal of a road hump or the exercise of any power conferred on him by paragraph (a) above,

and the Secretary of State and a local highway authority may enter into an agreement for the carrying out by the local highway authority of any works (including works of maintenance) which the Secretary of State is empowered to carry out in relation to a road hump which he is authorised to construct or has constructed in accordance with this section (whether in a highway for which he is the highway authority or otherwise).

(7) In relation to a road hump in a highway for which the Secretary of State is not the highway authority—

- (a) the highway authority for that highway, and
- (b) any other authority having power to maintain that highway,

may pay to the Secretary of State a contribution equal to the whole or any part of the expenditure incurred by him in connection with the construction, maintenance or removal of the hump or in the exercise of any other power relating to it.

(8) Any road hump constructed in a highway in the exercise of the Secretary of State's powers under this section shall be so constructed and maintained that—

- (a) it does not raise the surface of the highway by more than 5 inches above, or lower that surface by more than 2 inches below, the surface of the highway on either side of the hump; and
- (b) it is of such a shape that no damage is likely to be caused to the tyres of a vehicle passing over the hump.

(9) If and so long as a road hump is constructed and maintained in a highway in accordance with this section and the

presence of the hump is indicated by a traffic sign of a type prescribed or character authorised under section 54 of the 1967 Act—

- (a) the road hump shall be treated as not constituting an obstruction to the highway ; and
- (b) the highway authority shall not be treated as being in breach of their duty to maintain the highway by reason only of the presence of the road hump.

Use of  
pyrotechnic  
flares by  
police for  
traffic  
purposes.

1875 c. 17.

**18.**—(1) Notwithstanding anything in the Explosives Act 1875 or in any other enactment, a constable who is for the time being engaged in the regulation of traffic in a road or any person acting under his authority may, on or in the vicinity of the road, light and use a flare for the purpose of regulating the traffic.

(2) In this section “flare” means a firework or other device designed to produce a light by a process of combustion.

Power of  
police or local  
authority to  
retain custody  
of removed  
vehicles until  
charges are  
paid.

S.I. 1967/  
1900.

**19.** In section 52 of the 1967 Act, as set out in Schedule 1 to the Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967 (charges for removing, storing and disposing of vehicles) after subsection (2) there shall be inserted the following subsection:—

“(2A) Without prejudice to subsection (2) above, where, by virtue of paragraph (a) or paragraph (b) of subsection (1) above, any sum is recoverable in respect of a vehicle by the chief officer of a police force or a local authority in whose custody the vehicle is, the chief officer or authority shall be entitled to retain custody of it until that sum has been paid.”

Authorised  
insurers  
required to be  
members of  
Motor  
Insurers’  
Bureau.

1929 c. 23.

1970 c. 2 (N.I.).

**20.**—(1) At the end of section 145(2) of the 1972 Act (definition of “authorised insurer” for Part VI of that Act) there shall be added the words “and being a member of the Motor Insurers’ Bureau, a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946”.

(2) In section 86 of the Road Traffic Act (Northern Ireland) 1970 (definition of “authorised insurer” for Part V of that Act) after the words “insurance business” there shall be inserted the words “and being a member of the Motor Insurers’ Bureau a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946”.

(3) If any person or body of persons ceases to be a member of the Motor Insurers’ Bureau referred to in subsections (1) and (2) above, that person or body shall not thereby cease to be treated as an authorised insurer for the purposes of Part VI

of the 1972 Act or, as the case may be, Part V of the Road Traffic Act (Northern Ireland) 1970— 1970 c. 2  
(N.I.).

- (a) in relation to any policy issued by the insurer before ceasing to be such a member ; or
- (b) in relation to any obligation (whether arising before or after the insurer ceased to be such a member) which the insurer may be called upon to meet under or in consequence of any such policy or under section 154 of the 1972 Act or section 84 of the said Act of 1970 (payments for hospital treatment) by virtue of making a payment in pursuance of such an obligation.

**21.—(1)** In the case of a summary conviction of an offence against— Variation of penalties for certain offences.

- (a) any provision of the 1960 Act specified in column 1 of Part I of Schedule 5 to this Act (of which the general nature is indicated in column 2 thereof), or
- (b) any provision of the 1967 Act specified in column 1 of Part II of that Schedule (of which the general nature is indicated in column 2 thereof),

the maximum punishment shall be varied from that now in force and specified in relation to that offence in column 3 of the said Part I or Part II, as the case may require, to the new punishment specified in relation to that offence in column 4 thereof ; and for that purpose the amendments of those Acts specified in column 5 of the said Parts I and II shall have effect.

(2) For the purpose of varying the maximum punishment on summary conviction of an offence against any of the provisions of the 1972 Act specified in column 1 of Part III of Schedule 5 to this Act (of which the general nature is indicated in column 2 thereof) for the entry in column 4 of Part I of Schedule 4 to that Act in relation to each of those provisions (which entries are set out in column 3 of Part III of Schedule 5 to this Act) there shall be substituted the corresponding entry in column 4 of the said Part III ; and in section 178 of that Act (summary penalty for breach of regulations) for the words “ £20 ” there shall be substituted the words “ £50 ”.

(3) The amendments in Part IV of Schedule 5 to this Act shall have effect for the purpose of varying the penalties in the case of certain offences which are triable summarily or on indictment.

(4) In consequence of the amendment in Part III of Schedule 5 to this Act relating to an offence under section 40(5) of the 1972 Act (contravention of construction and use regulations) in Part I

of Schedule 4 to that Act, in column 5 (disqualification) of the entry relating to section 40(5) of that Act—

- (a) in paragraph (a), after the words “ paragraph (a) ” there shall be inserted the words “ or paragraph (c) ”; and
- (b) at the end there shall be added the words “ Discretionary if committed by carrying on a motor vehicle or trailer a load which, by reason of its insecurity or position, is likely to cause danger, but subject to the exception above ”.

(5) Nothing in the preceding provisions of this section or in Schedule 5 to this Act shall apply in relation to offences committed on or before the day appointed for the coming into operation of this section.

Jurisdiction of courts of summary jurisdiction in Scotland for certain offences.

22. The following enactments relating to the jurisdiction of courts of summary jurisdiction in Scotland in relation to certain offences shall be amended as follows:—

- (a) in section 92 of the 1967 Act for the words “ £50 ” there shall be substituted the words “ £100 ”; and
- (b) in section 184 of the 1972 Act for the words “ £50 ” there shall be substituted the words “ £100 ”.

Interpretation.

1960 c. 16.

1967 c. 76.

1972 c. 20.

23.—(1) In this Act—

“ the 1960 Act ” means the Road Traffic Act 1960 ;

“ the 1967 Act ” means the Road Traffic Regulation Act 1967 ; and

“ the 1972 Act ” means the Road Traffic Act 1972.

(2) Except in so far as the context otherwise requires, references in this Act to any other enactment shall be construed as referring to that enactment as amended by or under any other enactment, including this Act.

Short title, amendments, repeals, commencement and extent.

24.—(1) This Act may be cited as the Road Traffic Act 1974.

(2) Schedule 6 to this Act, which contains minor amendments and amendments consequential on the provisions of this Act, shall have effect.

(3) The enactments specified in Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule

(4) Except in its application to Northern Ireland, this Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different purposes ; and an order bringing into operation any



provision of Schedule 7 to this Act may contain such savings from the effect of the repeal concerned as the Secretary of State considers to be appropriate.

(5) This Act, except section 20, does not extend to Northern Ireland, and in its application to Northern Ireland section 20 shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different purposes.

## SCHEDULES

Sections 1 and 2.

## SCHEDULE 1

## STATUTORY STATEMENTS

## PART I

## STATUTORY STATEMENT OF OWNERSHIP OR HIRING

1. For the purposes of sections 1 to 4 of this Act, a statutory statement of ownership is a statement in the prescribed form, signed by the person furnishing it and stating—

- (a) whether he was the owner of the vehicle at the relevant time ; and
- (b) if he was not the owner of the vehicle at the relevant time, whether he ceased to be the owner before, or became the owner after, the relevant time and, if the information is in his possession, the name and address of the person to whom, and the date on which, he disposed of the vehicle or, as the case may be, the name and address of the person from whom, and the date on which, he acquired it.

2.—(1) For the purposes of sections 1 to 4 of this Act, a statutory statement of hiring is a statement in the prescribed form, signed by the person furnishing it, being the person by whom a statement of liability was signed, and stating—

- (a) whether at the relevant time the vehicle was let to him under the hiring agreement to which the statement of liability refers ; and
- (b) if it was not, the date on which he returned the vehicle to the possession of the vehicle-hire firm concerned.

(2) In sub-paragraph (1) above “statement of liability”, “hiring agreement” and “vehicle-hire firm” have the same meanings as in section 3 of this Act.

## PART II

## STATUTORY STATEMENT OF FACTS

3. For the purposes of sections 1 to 4 of this Act, a statutory statement of facts is a statement which is in the prescribed form and which either—

- (a) states that the person furnishing it was the driver of the vehicle at the relevant time and is signed by him ; or
- (b) states that that person was not the driver of the vehicle at the relevant time, states the name and address at the time the statement is furnished of the person who was the driver of the vehicle at the relevant time and is signed both by the person furnishing it and by the person stated to be the driver of the vehicle at the relevant time.

## SCHEDULE 2

Section 10.

## TYPE APPROVAL OF VEHICLES AND VEHICLE PARTS

## PART I

## AMENDMENTS OF PART III OF ROAD TRAFFIC ACT 1960

1960 c. 16.

1.—(1) In section 129, in subsection (1) after the words “certifying officer” there shall be inserted the words “that a certificate under section 47 of the Road Traffic Act 1972 has been issued in respect of the vehicle or” and for the words “such a certificate” there shall be substituted the words “a certificate of fitness”.

(2) In the proviso to subsection (3) of that section after the words “comply with” there shall be inserted the words “the relevant type approval requirements, as defined in section 47 of the Road Traffic Act 1972 or, as the case may be, with” and after the word “until” there shall be inserted the words “they are satisfied that the vehicle again conforms with those type approval requirements or, as the case may be, until”.

(3) In subsection (4) of that section for the words from “unless” to the end of the subsection there shall be substituted the words “continue in force until revoked or until it ceases to be in force by virtue of any other provision of this Part of this Act”.

(4) In subsection (5) of that section after the words “comply with” there shall be inserted the words “the relevant type approval requirements, as defined in section 47 of the Road Traffic Act 1972, or, as the case may be, with”.

(5) After subsection (5) of that section there shall be inserted the following subsection:—

“(6) If a certificate of fitness is revoked by a certifying officer under subsection (5) of this section on the ground that the vehicle in respect of which the certificate was in force does not comply with the relevant type approval requirements, as defined in section 47 of the Road Traffic Act 1972, then, notwithstanding anything in subsection (1) of this section, a new certificate of fitness shall not be issued in respect of that vehicle by a certifying officer unless he is satisfied that the vehicle does comply with those requirements”.

2. Section 130 shall cease to have effect.

3. In section 131(1), paragraph (b) shall be omitted.

4. In section 133(4) for the word “if” there shall be substituted the words “remove the suspension if—

(a) a certificate under section 47 of the Road Traffic Act 1972 has been issued in respect of the vehicle and he is satisfied that the vehicle conforms with the relevant type approval requirements, as defined in that section, or

(b) no such certificate has been issued but”,

and the words “remove the suspension”, in the last place where they occur, shall be omitted.

## SCH. 2

5. After section 133 there shall be inserted the following section:—

“Certificate of freedom from defects.

133A. If, at the request of the holder of a public service vehicle licence, the vehicle to which the licence relates is inspected by a certifying officer or public service vehicle examiner and, on that inspection, it appears to him that the condition of the vehicle is such that there is no cause for him to exercise any of his powers under section 133 of this Act he shall furnish to the holder of the licence a certificate to that effect.”

## PART II

1972 c. 20.

## AMENDMENTS OF ROAD TRAFFIC ACT 1972

6. In section 40(4) for the words “manufacturer’s certificate” there shall be substituted the words “certificate of conformity”.

7. In the provisions of Part II subsequent to section 49A, for the words “manufacturer’s certificate” and “manufacturers’ certificates”, in each place where they occur, there shall be substituted respectively the words “certificate of conformity” and “certificates of conformity”.

8.—(1) In subsection (1) of section 50, in paragraph (a) after the words “goods vehicle examiner” there shall be inserted the words “or a public service vehicle examiner” and in paragraph (h) after the word “vehicles” there shall be inserted the words “or vehicle parts”.

(2) In subsection (3) of that section the word “goods” shall be omitted.

(3) In subsection (4) of that section the word “goods” shall be omitted from the expression “goods vehicles”, in each place where it occurs, and in paragraph (a) for the word “49” there shall be substituted the word “49A”.

(4) In subsection (6) of that section, after the words “Act and”, in the first place where they occur, there shall be inserted the words “‘public service vehicle examiner’ means a person appointed as such an examiner under section 128(2) of the Road Traffic Act 1960 and, except in the case of vehicles of such class as may be prescribed” and the word “goods”, in the second and third places where it occurs, shall be omitted.

9.—(1) In section 51, in subsection (1) the word “goods”, in both places where it occurs, shall be omitted, after the word “vehicles”, in each place where it occurs, there shall be inserted the words “or vehicle parts”, after the words “of that class” there shall be inserted the words “or a vehicle to which is fitted a vehicle part of that class” and after the word “vehicle”, in the last place where it occurs, there shall be inserted the words “or vehicle part”.

(2) In subsection (3) of that section the word “goods” shall be omitted.

(3) In subsection (5) of that section, in paragraph (a) the word "goods" shall be omitted and in paragraph (c), after the word "vehicle", in both places where it occurs, there shall be inserted the words "or vehicle part".

10. In section 52(2) for the word "or", in the first place where it occurs, there shall be substituted the words "of this Act applies or for a vehicle of any class to which section".

11.—(1) In section 62, in subsection (1) for the words "a goods vehicle" there shall be substituted the words "or exposes for sale a vehicle or vehicle part" and after the word "vehicle", in the second place where it occurs, there shall be inserted the words "or vehicle part".

(2) In subsection (2) of that section for the words "or offer" there shall be substituted the words "offer or exposure for sale", after the word "vehicle" there shall be inserted the words "or vehicle part", in paragraph (a) for the words "or offered" there shall be substituted the words "offered or exposed for sale", in paragraph (b) after the words "Great Britain" there shall be inserted the words "or, in the case of a vehicle part, that it would not be fitted to a vehicle used on a road in Great Britain" and after the words "so used" there shall be inserted the words "or fitted", and in paragraph (c) the words "46(5) or" shall be omitted and at the end there shall be added the words "or, in the case of a goods vehicle, under section 46(5) of this Act".

12. In section 64, in each of subsections (2) and (4), the word "goods" shall be omitted.

13. At the end of section 82 there shall be added the following definition:—

"'vehicle part' means any article which is a motor vehicle part, within the meaning of section 63 of this Act, and any other article which is made or adapted for use as part of, or as part of the equipment of, a vehicle which is intended or adapted to be used on roads but which is not a motor vehicle within the meaning of that section".

14. In section 169, in subsections (2)(b) and (3), for the words "manufacturer's certificate" there shall be substituted the words "certificate of conformity".

15. In section 170(2) for the words "49 or 51" there shall be substituted the words "49, 49A or 51".

16. In section 171 for the words "manufacturer's certificate" there shall be substituted the words "certificate of conformity".

17. In section 173, in subsection (2)(b) for the words "manufacturers' certificates" there shall be substituted the words "certificates of conformity" and in subsection (3) for the words "manufacturer's certificate" there shall be substituted the words "certificate of conformity".

18. In section 188(4) the word "goods", in both places where it occurs, shall be omitted and in paragraph (a) after the words "certifying officers" there shall be inserted the words "or public service vehicle examiners".

Section 13.

1972 c. 20.

## SCHEDULE 3

## AMENDMENTS OF PART III OF ROAD TRAFFIC ACT 1972

1. In section 84(4) (cases where a person who is entitled to obtain, and has applied for, a driving licence may lawfully drive or be employed to drive a motor vehicle) for the words "for which it fell to be granted" there shall be substituted the words "of one year or such shorter period as may be prescribed, beginning on the date of the application or, as the case may be, the revocation or surrender mentioned in paragraph (b) above".

2.—(1) In section 87, in subsection (1) (applicants for licences to state whether they are suffering or have suffered from relevant disabilities) after the word "suffered" there shall be inserted "(a)" and at the end of the subsection there shall be added the words "or

(b) from any other disability which at the time of the application is not of such a kind that it is a relevant disability but which, by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in course of time (such disability being hereafter in this section referred to as a 'prospective disability')."

(2) In subsection (3) of that section (cases where the Secretary of State may not refuse a licence to a person suffering from a relevant disability) in paragraph (a) after the words "relevant disability" there shall be inserted the words "which is prescribed for the purposes of this paragraph" and in paragraph (c) for the words "other than a disability" there shall be substituted the words "which is".

(3) In subsection (4) of that section (power of Secretary of State, in the case of certain disabilities, to bar a person from obtaining a licence or to limit the types of vehicle which he may drive) in paragraph (i) for the words "for the purposes of subsection (3)(c)" there shall be substituted the words "under subsection (1)" and after the words "person aforesaid" there shall be inserted the words "and if the disability is prescribed for the purposes of subsection (3)(c) above it shall be deemed not to be so prescribed in relation to him".

(4) In subsection (5) of that section (power of Secretary of State by notice to revoke a licence by reason of a relevant disability, the revocation to take effect at the expiration of a period of not less than seven nor more than thirty days beginning with the date of service of the notice) for the words from "at the expiration" to "begin with" there shall be substituted the words "with effect from such date as may be specified in the notice, not being earlier than".

(5) After subsection (5) of that section there shall be inserted the following subsection:—

"(5A) If the Secretary of State is at any time satisfied on inquiry that the licence holder is suffering from a prospective disability, the Secretary of State may—

(a) serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice; and

- (b) on receipt of the licence so revoked and of an application made for the purposes of this subsection, grant to the licence holder, free of charge, a new licence for a period determined by the Secretary of State under section 89(1)(aa) of this Act ;

and it shall be the duty of a person whose licence is revoked under this subsection to deliver up the licence to the Secretary of State forthwith after the revocation."

(6) At the end of subsection (6) of that section there shall be added the following subsection:—

"(7) Without prejudice to subsection (6) above, for the purposes of subsection (3)(a) above—

- (a) an applicant shall be treated as having passed a relevant test if, and on the day on which, he has passed a test of competence to drive which, under a provision of a relevant external law corresponding to subsection (2) or subsection (4) of section 85 of this Act, either is prescribed in relation to vehicles of the classes to which the application relates or is sufficient under that law for the granting of a licence authorising the driving of vehicles of those classes, and

- (b) in the case of an applicant who is treated as having passed a relevant test by virtue of paragraph (a) above, disclosure of a disability to the authority having power under the relevant external law to grant a licence to drive a motor vehicle shall be treated as disclosure to the Secretary of State,

and in this subsection 'relevant external law' has the meaning assigned to it in section 85(1) of this Act."

3. After section 87 there shall be inserted the following section:—

87A.—(1) If at any time during the period for which his licence remains in force, a licence holder becomes aware—

"Provision of information, etc. relating to disabilities.

- (a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Secretary of State, or

- (b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the licence was granted,

then, unless the disability is one from which the licence holder has not previously suffered and he has reasonable grounds for believing that the duration of the disability will not extend beyond the period of three months beginning with the date on which he first becomes aware

## SCH. 3

that he suffers from it, the licence holder shall forthwith notify the Secretary of State in writing of the nature and extent of his disability.

(2) If the Secretary of State has reasonable grounds for believing that a person who is an applicant for, or the holder of, a licence may be suffering from a relevant or prospective disability then, for the purpose of enabling the Secretary of State to satisfy himself whether or not that is the case, the Secretary of State may by notice in writing served on that person—

- (a) require him to furnish to the Secretary of State, within such reasonable time as may be specified in the notice, such an authorisation as is referred to in subsection (3) below ; or
- (b) require him, as soon as practicable, to arrange to submit himself for examination by such registered medical practitioner or practitioners as may be nominated by the Secretary of State, or, with respect to a disability of a prescribed description, by such officer of the Secretary of State as may be so nominated, for the purpose of determining whether or not he suffers or has at any time suffered from a relevant or prospective disability ; or
- (c) except where the application is for, or the licence held is, a provisional licence, require him to submit himself for such a test of competence as is mentioned in section 85 of this Act, being a test authorising the grant of a licence in respect of vehicles of all or any of the classes to which the application relates or, as the case may be, which he is authorised to drive (otherwise than by virtue of section 88(4) of this Act) by the licence which he holds.

(3) the authorisation referred to in paragraph (a) of subsection (2) above—

- (a) shall be in such form and contain such particulars as may be specified in the notice by which it is required to be furnished ; and
- (b) shall authorise any registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned to release to the Secretary of State any information which he may have, or which may be available to him, with respect to the question whether, and if so to what extent, the applicant or licence holder concerned may be suffering, or may at any time have suffered, from a relevant or prospective disability.



(4) If he considers it appropriate to do so in the case of any applicant or licence holder, the Secretary of State—

- (a) may include in a single notice under subsection (2) above requirements under more than one paragraph of that subsection ; and
- (b) may at any time after the service of a notice under that subsection serve a further notice or notices thereunder.

(5) If any person on whom a notice is served under subsection (2) above—

- (a) fails without reasonable excuse to comply with a requirement contained in the notice, or
- (b) fails any test of competence which he is required to take as mentioned in paragraph (c) of that subsection,

the Secretary of State may exercise his powers under section 87 of this Act as if he were satisfied that the applicant or licence holder concerned is suffering from a relevant disability which is not prescribed for the purposes of any paragraph of subsection (3) of that section or, if the Secretary of State so determines, as if he were satisfied that the applicant or licence holder concerned is suffering from a prospective disability.

(6) The Secretary of State shall defray any fees or other reasonable expenses of a registered medical practitioner in connection with—

- (a) the provision of information in pursuance of an authorisation required to be furnished to the Secretary of State under paragraph (a) of subsection (2) above, or
- (b) any examination which a person is required to undergo as mentioned in paragraph (b) of that subsection.

(7) In this section ‘disability’, ‘relevant disability’ and ‘prospective disability’ have the same meanings as in section 87 of this Act.”

4.—(1) In section 88, in subsection (1) (grant of licences) for the words “payment of the prescribed fee” there shall be substituted the words “payment of such fee, if any, as may be prescribed”.

(2) In subsection (2) of that section (provisional licences) after paragraph (b) there shall be inserted the following paragraph :—

“(bb) may, in the case of a person appearing to the Secretary of State to be suffering from a relevant disability or a prospective disability, within the meaning of section 87 of this Act,

## SCH. 3

be restricted so as to authorise only the driving of vehicles of a particular construction or design specified in the licence ; and ”.

(3) At the beginning of subsection (4) of that section (licences to drive motor vehicles of certain classes to operate as provisional licences to drive those of other classes) there shall be inserted the words “ Subject to subsection (4A) below ” and at the end of the subsection there shall be added the following subsection—

“(4A) In such cases as the Secretary of State may prescribe, the provisions of subsection (4) above shall not apply or shall apply subject to such limitations as he may prescribe.”

(4) In subsection (5) of that section (subsection (4) not to apply to certain licences) the words “ or any other licence of a description prescribed for the purposes of this subsection ” shall be omitted.

5.—(1) In section 89, in subsection (1) (duration of driving licences) for paragraph (a) (full licences to run for three years except where the Secretary of State specifies a shorter period in the case of an applicant suffering from a relevant disability) there shall, subject to sub-paragraph (2) below, be substituted the following paragraphs:—

“(a) except in a case falling within paragraph (aa), (b) or (c) of this subsection, for the period ending on the seventieth anniversary of the applicant’s date of birth or for a period of three years, whichever is the longer ;

(aa) except in a case falling within paragraph (b) or (c) of this subsection, if the Secretary of State so determines in the case of a licence to be granted to a person appearing to him to be suffering from a relevant or prospective disability within the meaning of section 87 of this Act, for such period of not more than three years and not less than one year as the Secretary of State may determine ” ;

and in paragraph (c) (provisional licences to run for one year) for the words “ a period of one year ” there shall be substituted the words “ such period as may be prescribed or, if the Secretary of State so determines in the case of a licence to be granted to such a person as is referred to in paragraph (aa) above, for such shorter period of not less than one year as the Secretary of State may determine ”.

(2) In subsection (2) of that section (power of Secretary of State to revoke licence granted in error, etc.) after the words “ Secretary of State ”, in the first place where they occur, there shall be inserted “ (a) ” and after the words “ so endorsed on it ” there shall be inserted the words “ or

(b) that the particulars specified in a licence granted by him to any person do not comply with any requirement imposed since the licence was granted by any provision made by or having effect under any enactment ”.

(3) In subsection (4) of that section (grant of licence free of charge in certain cases where previous licence is surrendered) for

the words from “for the period” to the end of the subsection there shall be substituted the words “for such a period that it expires on the date on which the surrendered licence would have expired had it not been surrendered, except that, where the period for which the surrendered licence was granted was based on an error with respect to the licence holder’s date of birth such that, if that error had not been made, that licence would have been expressed to expire on a different date, the period of the new licence shall be such that it expires on that different date”.

6. In section 90(1) (appeals relating to licences) for paragraph (b) there shall be substituted the following paragraphs:—

“(b) determination under section 89(1)(aa) of this Act to grant a licence for three years or less, or

(bb) determination under section 89(1)(c) of this Act to grant a provisional licence for a period shorter than that prescribed thereunder, or”.

7.—(1) In section 92 (notification by a court of disease or disability of the accused) at the beginning there shall be inserted “(1)” and for the words from “disease” to “public” there shall be substituted the words “relevant disability or prospective disability within the meaning of section 87 of this Act”.

(2) At the end of that section there shall be added the following subsections—

“(2) If an authorised insurer refuses to issue to any person such a policy of insurance as complies with the requirements of Part VI of this Act on the ground that the state of health of that person is not satisfactory, or on grounds which include that ground, the insurer shall as soon as practicable notify the Secretary of State of that refusal and of the full name, address, sex and date of birth of that person as disclosed by him to the insurer.

(3) In subsection (2) above ‘authorised insurer’ has the same meaning as in section 145(2) of this Act.”

8. After section 94 there shall be inserted the following sections—

“Powers of appellate courts to suspend disqualification. 94A.—(1) This section applies where a person has been convicted by a court in England or Wales of an offence involving obligatory or discretionary disqualification and has been ordered to be disqualified; and in the following provisions of this section—

(a) any reference to a person ordered to be disqualified shall be construed as a reference to a person so convicted and so ordered to be disqualified; and

(b) any reference to his sentence includes a reference to the order of disqualification and to any other order made on his conviction and, accordingly, any reference to an appeal against his sentence includes a reference to an appeal against any order forming part of his sentence.

## SCH. 3

(2) Where a person ordered to be disqualified—

(a) appeals to the Crown Court, or

(b) appeals or applies for leave to appeal to the Court of Appeal,

against his conviction or his sentence, the Crown Court or, as the case may require, the Court of Appeal may, if it thinks fit, suspend the disqualification.

(3) Where a person ordered to be disqualified has appealed or applied for leave to appeal to the House of Lords—

(a) under section 1 of the Administration of Justice Act 1960 from any decision of a Divisional Court of the Queen's Bench Division which is material to his conviction or sentence, or

(b) under section 33 of the Criminal Appeal Act 1968 from any decision of the Court of Appeal which is material to his conviction or sentence,

the Divisional Court or, as the case may require, the Court of Appeal may, if it thinks fit, suspend the disqualification.

(4) Where a person ordered to be disqualified makes an application in respect of the decision of the court in question under section 87 of the Magistrates' Courts Act 1952 (statement of case by magistrates' court) or section 10(3) of the Courts Act 1971 (statement of case by Crown Court) the High Court may, if it thinks fit, suspend the disqualification.

(5) Where a person ordered to be disqualified—

(a) applies to the High Court for an order of certiorari to remove into the High Court any proceedings of a magistrates' court or of the Crown Court, being proceedings in or in consequence of which he was convicted or his sentence was passed, or

(b) applies to the High Court for leave to make such an application,

the High Court may, if it thinks fit, suspend the disqualification.

(6) Any power of a court under the preceding provisions of this section to suspend the disqualification of any person is a power to do so on such terms as the court thinks fit.

(7) In any case where, by virtue of this section, a court suspends the disqualification of any person, it shall send notice of the suspension to the Secretary of State; and for the purposes of this section any such notice shall be sent in such manner and to such address and shall contain such particulars as the Secretary of State may determine.

Power of High Court of Justiciary to suspend disqualification.

94B.—(1) Where a person has been convicted of an offence by a court in Scotland and the circumstances mentioned in subsection (1) of the foregoing section apply to that offence, any references to any person ordered to be disqualified and any reference to his sentence shall in this section be construed in like manner as in that section.

(2) Where a person ordered to be disqualified appeals to the High Court of Justiciary whether on appeal against a summary conviction or a conviction on indictment or his sentence, the Court, or any single judge thereof may if it or he thinks fit, suspend the disqualification on such terms as the Court or judge thinks fit.

(3) Where, by virtue of this section, the High Court suspends the disqualification of any person, it shall send notice of the suspension to the Secretary of State; and for the purposes of this section any such notice shall be sent in such manner and to such address and shall contain such particulars as the Secretary of State may determine."

SEC. 3

9. In section 98, in subsection (1) (licence to be suspended so long as disqualification continues) for the words from "suspended" to the end of the subsection there shall be substituted the words "treated as being revoked with effect from the beginning of the period of disqualification; and for this purpose, if the holder of the licence appeals against the order and the disqualification is suspended under section 94 of this Act, the period of disqualification shall be treated as beginning on the day on which the disqualification ceases to be suspended."

10.—(1) In section 101, in subsection (4) (licence holder who is prosecuted for an offence involving obligatory endorsement to produce the licence to the court for endorsement) for the words from "and the court" to "for endorsement" there shall be substituted the words "the court shall, before making any order under subsection (1) above, require the licence to be produced to it" and after that subsection there shall be inserted the following subsection—

"(4A) Where a person is convicted of an offence involving obligatory endorsement and his licence is produced to the court, then in determining what order to make in pursuance of the conviction the court may take into consideration particulars of any previous conviction or disqualification endorsed on the licence."

(2) In subsection (7) of that section (entitlement of person whose licence has been endorsed with any particulars to have a new licence issued free from the particulars) after the words "shall be entitled" there shall be inserted the word "either" and after the words "that subsection" there shall be inserted the words "or, subject to the payment of the prescribed fee and the surrender of any subsisting licence, on an application at any time".

## SCH. 3

(3) In the said subsection (7), as it applies in relation to an application for the issue of a new licence made on or after the day appointed under section 22 of this Act for the coming into operation of this sub-paragraph, for the words "three" and "ten" there shall be substituted the words "four" and "eleven".

(4) At the end of the said section 101 there shall be added the following subsection—

"(8) Nothing in the provisions of sections 15(5) and 31(1) of the Summary Jurisdiction (Scotland) Act 1954 (complaint and previous complaint and previous convictions) shall affect the power of the court under subsection (4A) of this section to take into consideration a previous conviction or disqualification endorsed on the licence of the accused."

11.—(1) In section 104 (information to be given as to date of birth and sex where a person is convicted of certain offences and his licence is endorsed or he is disqualified whilst committed for sentence) in subsection (1) the words "orders his driving licence to be endorsed or orders him to be disqualified under section 103(1) of this Act and" shall be omitted.

(2) In subsection (2) of that section the words "orders his driving licence to be endorsed or orders him to be disqualified under the said section 103(1) and" shall be omitted.

(3) In subsection (3) of that section the words "in consequence of an order for disqualification made under the said section 103(1)" shall be omitted.

(4) In subsection (6)(a) of that section the words "orders his licence to be endorsed and" shall be omitted.

12. In section 105, in subsection (2) (on disqualification, licence to be forwarded to Secretary of State, but where disqualification expires or is removed before the expiry date of the licence, the licence holder to be entitled, on demand, to a new licence for the period for which the old licence was granted) the words from "but where" to the end of the subsection shall be omitted.

Section 16.

## SCHEDULE 4

1968 c. 73.

## AMENDMENTS OF TRANSPORT ACT 1968 RELATING TO OPERATORS' LICENCES

1. In section 62 (applications for operators' licences) after subsection (4) there shall be inserted the following subsections:—

"(4A) A person who has applied for an operator's licence shall forthwith notify the licensing authority if, in the interval between the making of the application and the date on which it is disposed of, a conviction occurs which, if the period of five years specified in paragraph (e) of subsection (4) of this section had not expired, would be a conviction falling within that para-

graph; and for the purposes of this subsection an application shall be taken to be disposed of,—

SCH. 4

- (a) if the licensing authority is required, by virtue of regulations under section 91 of this Act, to cause a statement containing his decision on the application to be issued, on the date on which that statement is issued, and
- (b) in any other case, on the date on which the applicant receives notice from the licensing authority of his decision on the application.

(4B) A person who knowingly fails to comply with subsection (4A) of this section shall be liable on summary conviction to a fine not exceeding £200, and section 180 of the Road Traffic Act 1972 (time for bringing summary proceedings for certain offences) shall apply in relation to an offence under this subsection as it applies in relation to the offences under that Act to which it is applied by virtue of Schedule 4 to that Act."

2. In section 64(2) (requirements to be satisfied on an application for an operator's licence)—

- (a) at the end of paragraph (a) there shall be added the words "and to any conviction required to be notified in accordance with section 62(4A) thereof",
- (b) at the end of paragraph (d) there shall be added the words "and that the place which is to be the operating centre for those vehicles is suitable for that purpose", and
- (c) in paragraph (e), after the word "subsection" there shall be inserted the words "and of a suitable operating centre".

3.—(1) In section 67 (duration of operators' licences and grant of interim licences) in subsection (2) (determination of expiry date of operators' licences) after the words "unless previously revoked" there shall be inserted the words "or prematurely terminated under section 69 of this Act."

(2) In subsection (3)(a) of that section (power of licensing authorities to direct that, in certain specified cases, the period relevant to the duration of an operator's licence shall be less than five years) for paragraphs (i) and (ii) there shall be substituted the words "if it appears to the licensing authority to be appropriate in the case of any applicant".

(3) In subsection (5) of that section (interim licences) after the words "63 or" there shall be inserted the words "subsections (1) to (3) of section" and after the words "application for an operator's licence" there shall be inserted the words "but shall be so treated for the purposes of section 64(4) of this Act".

4.—(1) In section 69 (revocation, suspension and curtailment of operators' licences), in subsection (1) after the word "suspended" there shall be inserted the words "terminated on a date earlier than that on which it would otherwise expire under section 67 of this

**SCH. 4** Act" and in paragraph (f) of that subsection after the word "suspension" there shall be inserted the words "premature termination".

(2) In subsection (4) of that section (which specifies the convictions which are grounds of revocation, etc.) in paragraph (a) after the words "agent of his" there shall be inserted the words "of an offence under section 46 of the Road Traffic Act 1972 (plating certificates and goods vehicle test certificates) or", in paragraph (g) after the word "contravening" there shall be inserted "(i)" and at the end of that paragraph there shall be added the words "or

(ii) any provision included in a traffic regulation order, within the meaning of section 1 of that Act, by virtue of subsection (3AA) of that section (lorry routes)".

(3) In subsection (6) of that section (where a person is disqualified from holding an operator's licence, the licensing authority may direct that in certain cases the licence of any company or person with whom the disqualified person is or becomes associated shall be liable to revocation, suspension or curtailment) after the word "suspension" there shall be inserted the words "premature termination".

(4) At the end of subsection (7) of that section there shall be inserted the following subsection—

"(7A) Where a licensing authority directs that an operator's licence be suspended or curtailed, the authority may order that—

(a) in the case of a suspension, any motor vehicle specified in the licence may not be used under any other operator's licence, notwithstanding any authorisation under section 61(1)(c) of this Act, or

(b) in the case of a curtailment having the effect of removing any motor vehicle from the licence, the motor vehicle may not be used as mentioned in paragraph (a) above and shall not be capable of being effectively specified in any other operator's licence,

and an order made under this subsection shall cease to have effect on such date, not being more than 6 months after the order is made, as may be specified therein or, if it is earlier, on the date on which the licence which is directed to be suspended or curtailed ceases to be in force."

(5) In subsection (8) of that section (cancellation of orders) for the words "or (7)" there shall be substituted the words "(7) or (7A)".

(6) In subsection (9) of that section (if requested by the licence holder, licensing authority to hold inquiry before giving direction or making order) at the end of paragraph (b) there shall be inserted the words "or

(c) make an order under subsection (7A) of this section in respect of any vehicle".



(7) In subsection (10) of that section (power of licensing authority to direct that certain directions and orders shall not take effect until expiry of time for appeal) for the words "or (7)" there shall be substituted the words "(7) or (7A)".

5. In section 70(1)(b) (rights of appeal in connection with certain directions and orders) after the word "whom" there shall be inserted the words "or the holder of an operator's licence which specifies a motor vehicle in respect of which" and for the word "(7)" there shall be substituted the word "(7A)".

## Section 21.

## SCHEDULE 5

## VARIATION OF PENALTIES FOR CERTAIN OFFENCES

## PART I

## SUMMARY PENALTIES UNDER ROAD TRAFFIC ACT 1960

1960 c. 16.

Provision creating offence	General nature of offence	Existing maximum punishment	New maximum punishment	Amendment
Section 127 ...	Use of public service vehicle without a licence.	£20 or, on a second or subsequent conviction, £50 or 3 months imprisonment	£100	In subsection (5) of section 127 for the words from "twenty pounds" to the end of the subsection there shall be substituted the words "£100".
Section 128(3) ...	Obstructing certifying officer or public service vehicle examiner or failing to stop public service vehicle when required.	£20 or, on a second or subsequent conviction, £50 or 3 months imprisonment	£100	In subsection (3) of section 128 for the words from "twenty pounds" to the end of the subsection there shall be substituted the words "£100".
Section 132(3) ...	Failure to give notice to traffic commissioners of failure in, damage to or alteration of public service vehicle.	£20 or, on a second or subsequent conviction, £50 or 3 months imprisonment	£100	In subsection (3) of section 132 for the words from "twenty pounds" to the end of the subsection there shall be substituted the words "£100".

Section 134(3)	...	Use of stage carriage or express carriage without road service licence or permit or failure to comply with conditions attached to licence.	£20 or, on a second or subsequent conviction, £50 or 3 months imprisonment	£100	In subsection (3) of section 134 for the words from "twenty pounds" to the end of the subsection there shall be substituted the words "£100".
Section 140(2)	...	Refusal or failure to supply certain particulars, or supplying false particulars, by applicant for, or holder of, road service licence.	£20 and, in the case of a continuing offence, £5 for every day during which the offence continues	£100	In subsection (2) of section 140 for the words from "twenty pounds" to the end of the subsection there shall be substituted the words "£100".
Section 144	...	Unlicensed person driving, or acting as conductor of, public service vehicle, or employment of such a person.	£20 or, on a second or subsequent conviction, £50 or 3 months imprisonment	£100	In subsection (8) of section 144 for the words from "twenty pounds" to the end of the subsection there shall be substituted the words "£100".
Section 146(2)	...	Contravention of regulations as to conduct of persons licensed to act as drivers or conductors of public service vehicles.	£5	£20	In section 146(2) for the words "five pounds" there shall be substituted the words "£20".
Section 146(3)	...	Failure to produce driver's or conductor's licence for purpose of endorsement.	£20 or, on a second or subsequent conviction, £50 or 3 months imprisonment	£100	In subsection (3) of section 146 for the words from "twenty pounds" to the end of the subsection there shall be substituted the words "£100".
Section 147(2)	...	Contravention of regulations as to conduct of passengers in public service vehicles.	£20	£100	In subsection (2) of section 147 for the words from "to a fine" to the end of the subsection there shall be substituted the words "to a fine not exceeding £100".

SCH. 5

Provision creating offence	General nature of offence	Existing maximum punishment	New maximum punishment	Amendment
Section 148(2) ...	Contravention of regulations providing for control of number of passengers in public service vehicles.	£20	£50	In section 148(2) for the words "twenty pounds" there shall be substituted the words "£50".
Section 157(2) ...	Failure by person carrying on the business of operating public service vehicles to keep accounts and records and to make financial and statistical returns.	£20 and, in the case of a continuing offence, £5 for every day during which the offence continues	£100	In subsection (2) of section 157 for the words from "twenty pounds" to the end of the subsection there shall be substituted the words "£100".
Section 235 ...	Making of false statements or withholding material information.	£100 or 4 months imprisonment or both	£200	In subsection (3) of section 235 for the words from "to a fine" to the end of the subsection there shall be substituted the words "to a fine not exceeding £200".
Section 239 ...	Contravention of regulations.	£20	£50	In section 239 for the words from "summary conviction" to the end of the section there shall be substituted the words "summary conviction to a fine not exceeding £50".
Paragraph 14(3) of Schedule 12	Failure of driver to produce work ticket on demand by police constable in uniform or authorised person.	£20 or, on a second or subsequent conviction, £50 or 3 months imprisonment	£100	In sub-paragraph (3) of paragraph 14 of Schedule 12 for the words from "twenty pounds" to the end of the sub-paragraph there shall be substituted the words "£100".

Paragraph 14(4) of Schedule 12	Failure of holder of public service vehicle licence to preserve record or produce it for inspection by authorised person.	£20 or, on a second or subsequent conviction, £50 or 3 months imprisonment	£100	In sub-paragraph (4) of paragraph 14 of Schedule 12 for the words from "to such punishment" to the end of the sub-paragraph there shall be substituted the words "to a fine not exceeding £100".
--------------------------------	---	--	------	--

PART II

SUMMARY PENALTIES UNDER ROAD TRAFFIC REGULATION ACT 1967

1967 c. 76.

Section 1(8)	Contravention of traffic regulation order outside London.	£50 in certain cases: in others £20	£100	In subsection (8) of section 1 for the words from "in the case" to the end of the subsection there shall be substituted the words "£100".
Section 6(9)	Contravention of traffic regulation order in Greater London.	£50 in certain cases: in others £20	£100	In subsection (9) of section 6 for the words from "in the case" to the end of the subsection there shall be substituted the words "£100".
Section 9(9)	Contravention of experimental traffic order.	£50 in certain cases: in others £20	£100	In subsection (9) of section 9 for the words from "in the case" to the end of the subsection there shall be substituted the words "£100".
Section 11(4)	Contravention of experimental traffic scheme in Greater London.	£50 in certain cases: in others £20	£100	In subsection (4) of section 11 for the words from "in the case" to the end of the subsection there shall be substituted the words "£100".

SCH. 5

Provision creating offence	General nature of offence	Existing maximum punishment	New maximum punishment	Amendment
Section 13(4)	... Contravention of provisions as to use of special roads.	£50 in certain cases: in others £20	£100	In section 13(4) for paragraphs (a) and (b) there shall be substituted the words "£100".
Section 14(2)	... Contravention of one-way system on trunk roads.	£20 or, on a second or subsequent conviction, £50	£100	In subsection (2) of section 14 for the words from "£20" to the end of the subsection there shall be substituted the words "£100".
Section 16(5)	... Contravention of prohibition or restriction of use of vehicles on roads of certain classes.	£20	£100	In section 16(5) for the words "£20" there shall be substituted the words "£100".
Section 17(5)	... Contravention of weight limit on bridges.	£20 or, on a second or subsequent conviction, £50	£100	In subsection (5) of section 17 for the words from "£20" to the end of the subsection there shall be substituted the words "£100".
Section 19(3)	... Contravention of provisions relating to driving over Menai Bridge.	£20 or, on a second or subsequent conviction, £50 or 3 months imprisonment	£100	In subsection (3) of section 19 for the words from "£20" to the end of the subsection there shall be substituted the words "£100".
Section 23(5)	... Contravention of pedestrian crossing regulations.	£50	£100	In section 23(5) for the words "£50" there shall be substituted the words "£100".

Section 25(2)	...	Failure to stop at school crossing.	£50	£100	In section 25(2) for the words "£50" there shall be substituted the words "£100".
Section 26(6)	...	Contravention of order relating to a street playground outside London.	£50	£100	In section 26(6) for the words "£50" there shall be substituted the words "£100".
Section 31(3)	...	(1) Contravention of order relating to use of off-street parking place; (2) Tampering with parking ticket machine or using false coins etc.	£5 or, on a second or subsequent conviction, £10 £50 or 3 months imprisonment or both	£20 £50	In subsection (3) of section 31 for the words from "£5" to "£10" there shall be substituted the words "£20" and the words from "or to imprisonment" to the end of the subsection shall be omitted.
Section 31(5)	...	Plying for hire from a parking place.	£2	£20	In section 31(5) for the words "£2" there shall be substituted the words "£20".
Section 42(1)	...	Contravention of order relating to use of on-street parking place.	£5 or, on a second or subsequent conviction, £10	£20	In subsection (1) of section 42 for the words from "£5" to the end of the subsection there shall be substituted the words "£20".
Section 42(4)	...	Tampering with parking meter or using false coin, etc.	£50 or 3 months imprisonment or both	£50	In subsection (4) of section 42 the words from "or to imprisonment" to the end of the subsection shall be omitted.
Section 43(2)	...	Using a vehicle in contravention of provisions of certain designation orders.	£50 in certain cases; in others £20	£100	In subsection (2) of section 43 for the words from "£50" to the end of the subsection there shall be substituted the words "£100".

SCH. 5

Provision creating offence	General nature of offence	Existing maximum punishment	New maximum punishment	Amendment
Section 43(3)	... Contravention of provisions of designation orders relating to parking places.	£5 or, on a second or subsequent conviction, £10	£20	In subsection (3) of section 43 for the words from "£5" to the end of the subsection there shall be substituted the words "£20".
Section 78A(1)	... Speeding.	£50	£100	In section 78A(1) for the words "£50" there shall be substituted the words "£100".
Section 80(8)	... Removal etc. of fixed penalty ticket.	£5	£20	In section 80(8) for the words "£5" there shall be substituted the words "£20".
Section 86(3)	... Making false statement to obtain exemptions etc. in relation to parking restrictions.	£100 or 4 months imprisonment or both	£200	In subsection (3) of section 86 for the words from "£100" to the end of the subsection there shall be substituted the words "£200".
Section 87	... Contravention of regulations.	£20	£50	In section 87 for the words "£20" there shall be substituted the words "£50".
Section 96(2)	... Failure to comply with order to attend inquiry.	£5	£20	In section 96(2) for the words "£5" there shall be substituted the words "£20".



## PART III

## SUMMARY PENALTIES UNDER ROAD TRAFFIC ACT 1972

1972 c. 20.

Provision creating offence	General nature of offence	Existing maximum punishment in column 4 of Part I of Schedule 4	Entry to be substituted in column 4 of Part I of Schedule 4
Section 3	Careless and inconsiderate driving.	£100; or in the case of a second or subsequent conviction 3 months or £100 or both.	£200.
Section 4(4)	Driving under age.	£50.	£100.
Section 14	Motor racing and speed trials on highways.	3 months or £100 or both.	£200.
Section 15 <sup>1</sup>	Other unauthorised or irregular competitions or trials on highways.	£50.	£100.
Section 16	Carrying passenger on motor cycle contrary to section 16.	£20.	£50.
Section 17	Reckless, and dangerous, cycling.	£30; or in the case of a second or subsequent conviction 3 months or £30.	£50.
Section 18	Careless and inconsiderate cycling.	£10; or in the case of a second or subsequent conviction £20.	£20.

SCH. 5

SCH. 5

Provision creating offence	General nature of offence	Existing maximum punishment in column 4 of Part I of Schedule 4	Entry to be substituted in column 4 of Part I of Schedule 4
Section 19	Cycling when unfit through drink or drugs.	£30; or in the case of a second or subsequent conviction 3 months or £30.	£50.
Section 20	Unauthorised or irregular cycle racing or trials of speed on highways.	£10.	£20.
Section 21	Carrying passenger on bicycle contrary to section 21.	£5; or in the case of a second or subsequent conviction £10.	£20.
Section 22	Failing to comply with traffic directions.	£50.	£100.
Section 23	Pedestrian failing to stop when directed by constable regulating traffic.	£10; or in the case of a second or subsequent conviction £25.	£50.
Section 24	Leaving vehicles in dangerous positions.	£50; or in the case of a second or subsequent conviction 3 months or £50.	£100.
Section 25(4)	Failing to stop after accident and give particulars or report accident.	3 months or £50.	£100.

Section 29	...	...	...	Tampering with motor vehicles.	3 months or £50.	£100.
Section 30(1)	...	...	...	Holding or getting on to vehicle in order to be carried.	£10.	£20.
Section 30(2)	...	...	...	Holding on to vehicle in order to be towed.	£10.	£20.
Section 31(1)	...	...	...	Dogs on designated roads without being held on lead.	£5.	£20.
Section 33	...	...	...	Selling, etc., helmet not of prescribed type as helmet for affording protection for motor cyclists.	£20; or in the case of a second or subsequent conviction 3 months or £50 or both.	£100.
Section 34(4)	...	...	...	Causing, etc., heavy motor vehicles to be driven or to haul without proper crew.	£20; or in the case of a second or subsequent conviction 3 months or £50.	£100.
Section 35(3)	...	...	...	Unauthorised motor vehicle trial on footpaths or bridle-ways.	£50.	£100.
Section 36	...	...	...	Driving motor vehicles elsewhere than on roads.	£10.	£20.
Section 36A	...	...	...	Prohibition of parking of heavy commercial vehicles on verges and footways.	£50.	£100.

## SCH. 5

Provision creating offence	General nature of offence	Existing maximum punishment in column 4 of Part I of Schedule 4	Entry to be substituted in column 4 of Part I of Schedule 4
Section 40(5) ... ..	Contravention of construction and use regulations.	<p>£200 in the case of an offence of using, or causing or permitting the use of, a goods vehicle—</p> <p>(a) so as to cause, or to be likely to cause, danger by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load; or</p> <p>(b) in breach of a construction and use requirement as to brakes, steering-gear, tyres or any description of weight; £50 in any other case.</p>	<p>£400 in the case of an offence of using, or causing or permitting the use of, a goods vehicle—</p> <p>(a) so as to cause, or to be likely to cause, danger by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load; or</p> <p>(b) in breach of a construction and use requirement as to brakes, steering-gear, tyres or any description of weight; or</p> <p>(c) for any purpose for which it is so unsuitable as to cause or to be likely to cause danger; £400 in the case of an offence of carrying on a goods vehicle a load which, by reason of its insecurity or position, is likely to cause danger; £100 in any other case.</p>

Section 44(1) ... ..	Using, etc., vehicle without required test certificate being in force.	£50.	£100.
Regulations under section 45(7)	Contravention of requirement of regulations that driver of goods vehicle being tested be present throughout test or drive vehicle, etc., which is declared by regulations to be an offence.	£50.	£100.
Section 46(1) ... ..	Using, etc., goods vehicle without required plating certificate being in force.	£50.	£100.
Section 46(2) ... ..	Using, etc., goods vehicle without required goods vehicle test certificate being in force.	£50.	£200.
Section 46(3) ... ..	Using, etc., goods vehicle with alteration thereto required to be but not notified to Secretary of State under regulations under section 45.	£50.	£100.
Regulations under section 50(5)	Contravention of requirement of regulations that driver of goods vehicle being tested after notifiable alteration be present throughout test and drive vehicle, etc., which is declared by regulations to be an offence.	£50.	£100.

SCH. 5

Provision creating offence	General nature of offence	Existing maximum punishment in column 4 of Part I of Schedule 4	Entry to be substituted in column 4 of Part I of Schedule 4
Section 51(1) ... ..	Using, etc., vehicle or vehicle part without required certificate being in force showing that it complies with type approval requirements applicable to it.	£50.	£100.
Section 51(3) ... ..	Using, etc., vehicle with alteration thereto required to be but not notified to Secretary of State under regulations under section 48.	£50.	£100.
Section 53(4) ... ..	Obstructing testing of vehicle by examiner on road or failing to comply with requirements of section 53 or Schedule 3.	£20.	£50.
Section 54(6) (including application by section 55(3)).	Failure of person in charge of vehicle on roadside test or further test to give particulars of owner.	£20.	£50.
Section 55(5) ... ..	Obstructing further testing of vehicle by Secretary of State's officer or failing to comply with requirements of section 55 or paragraph 3 or 4 of Schedule 3.	£20.	£50.

Section 56(3)	...	...	...	Obstructing goods vehicle examiner inspecting goods vehicle or entering premises where such vehicle believed to be.	£20; or in the case of a second or subsequent conviction £50.	£50.
Section 57(9)	...	...	...	Driving, etc., goods vehicle in contravention of prohibition on driving it as being unfit for service or refusing etc. to comply with a direction as to the removal of a heavy commercial vehicle.	£50.	£400.
Section 59(3)	...	...	...	Contravention of regulations requiring goods vehicle operator to inspect, and keep records of inspections of, goods vehicles.	£50.	£100.
Section 60(3)	...	...	...	Selling, etc., unroadworthy vehicle or trailer or altering vehicle or trailer so as to make it unroadworthy.	£100.	£200.
Section 62	...	...	...	Selling, etc., vehicle or vehicle part without required certificate being in force showing that it complies with type approval requirements applicable to it.	£100.	£200.
Section 66(5)	...	...	...	Selling, etc., pedal cycle in contravention of regulations as to brakes, bells, etc.	£50.	£100.
Section 81(1)	...	...	...	Causing, etc., vehicle to be on road in contravention of provisions as to lighting, etc., of vehicles.	£50.	£100.

SCH. 5

Provision creating offence	General nature of offence	Existing maximum punishment in column 4 of Part I of Schedule 4	Entry to be substituted in column 4 of Part I of Schedule 4
Section 81(2) ... ..	Selling, etc., wrongly made tail lamps or reflectors.	£20.	£50.
Section 84(1) ... ..	Driving without a licence.	£50.	£100.
Section 84(2) ... ..	Employing a person to drive without a licence.	£50.	£100.
Section 88(6) ... ..	Failing to comply with any conditions prescribed for driving under provisional licence or full licence treated as provisional licence.	£50.	£100.
Section 89(3) ... ..	Driving licence holder failing, when his particulars become incorrect, to surrender licence and give particulars.	£20.	£50.
Section 91(1) ... ..	Driving with uncorrected defective eyesight.	3 months or £50.	£100.
Section 91(2) ... ..	Refusing to submit to test of eyesight.	£50.	£100.
Section 99(a) ... ..	Obtaining driving licence while disqualified.	6 months or £50 or both.	£100.



Section 101(4) (including application by section 103(4))	...	...	...	£50.	£100.
Failing to produce licence to court for endorsement on conviction of offence involving obligatory endorsement or on committal for sentence, etc., for offence involving obligatory or discretionary disqualification when no interim disqualification ordered.					
Section 101(6) ...	...	...	...	£50.	£100.
Applying for or obtaining licence without giving particulars of current endorsement.					
Section 103(2) ...	...	...	...	£50.	£100.
Failing to produce driving licence to court making order for interim disqualification on committal for sentence, etc.					
Section 111(2) ...	...	...	...	£50.	£100.
Failing to produce to court Northern Ireland driving licence.					
Section 112(1) ...	...	...	...	£20; or in the case of a second or subsequent conviction 3 months or £50.	£100.
Driving heavy goods vehicle without heavy goods vehicle driver's licence.					
Section 112(2) ...	...	...	...	£20; or in the case of a second or subsequent conviction 3 months or £50.	£100.
Employing a person to drive heavy goods vehicle without heavy goods vehicle driver's licence.					
Section 114(3) ...	...	...	...	£20; or in the case of a second or subsequent conviction 3 months or £50.	£100.
Failing to comply with conditions of heavy goods vehicle driver's licence.					

SCH. 5

Provision creating offence	General nature of offence	Existing maximum punishment in column 4 of Part I of Schedule 4	Entry to be substituted in column 4 of Part I of Schedule 4
Regulations under section 119(2)	Contravention of regulations about heavy goods vehicle drivers' licences which is declared by regulation to be an offence.	£20.	£50.
Section 126(3) ... ..	Giving of paid driving instruction by unregistered and unlicensed persons or their employers.	4 months or £100 or both.	£200.
Section 135(2) ... ..	Unregistered instructor using title or displaying badge, etc., prescribed for registered instructor, and employers using such title, etc., in relation to his unregistered instructor or issuing misleading advertisement, etc.	£100.	£200.
Section 143 ... ..	Using motor vehicle while uninsured or unsecured against third-party risks.	3 months or £50 or both.	£200.
Section 151(2) ... ..	Failing to give information, or wilfully making false statement, as to insurance or security when claim made.	£50.	£200.
Section 159 ... ..	Failing to stop vehicle when required by constable.	£50.	£100.

Section 160(1) ...	...	...	Refusing or neglecting to allow motor vehicle or trailer to be weighed, etc.	£50.	£400.
Section 164(1) ...	...	...	Refusing to give, or giving false, name and address in case of reckless, dangerous, careless or inconsiderate driving or cycling.	£20; or in the case of a second or subsequent conviction, 3 months or £50.	£100.
Section 165 ...	...	...	Pedestrian failing to give constable his name and address after failing to stop when directed by constable controlling traffic.	£5.	£20.
Section 166(1) ...	...	...	Failure by driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident.	£50.	£100.
Section 167 ...	...	...	Failure by owner of motor vehicle to give police information for verifying compliance with requirement of compulsory insurance or security.	£20; or in the case of a second or subsequent conviction, 3 months or £50.	£200.
Section 170(1) ...	...	...	Making false statements in connection with licences under this Act and with registration as an approved driving instructor.	4 months or £100 or both.	£200.

SCH. 5

Provision creating offence	General nature of offence	Existing maximum punishment in column 4 of Part I of Schedule 4	Entry to be substituted in column 4 of Part I of Schedule 4
Section 170(2) ... ..	Making, or making use of, false statements relating to goods vehicles.	4 months or £100 or both.	£200.
Section 170(3) ... ..	Producing false evidence or making false declaration in connection with applications for vehicle excise licences for vehicles required to have test certificates.	4 months or £100 or both.	£200.
Section 170(4) ... ..	Making false statements as to the remedying of defects discovered in vehicles on roadside tests.	4 months or £100 or both.	£200.
Section 170(5) ... ..	Making, or making use of, false entry in records required to be kept of condition of goods vehicles.	4 months or £100 or both.	£200.
Section 170(6) ... ..	Making false statement or withholding material information in order to obtain the issue of insurance certificates, etc.	4 months or £100 or both.	£200.

Section 171	...	...	...	Issuing false insurance certificates, etc., or false test certificates.	6 months or £100 or both.	£200.
Section 172	...	...	...	Using goods vehicle with unauthorised weights as well as authorised weights marked thereon.	£50.	£100.
Section 187(2)	...	...	...	Failing to attend, give evidence or produce documents to, inquiry held by Secretary of State, etc.	£5.	£20.
Schedule 1, para. 5(1)	...	...	...	Applying warrant to protective helmet in defending proceedings under section 33 where no warranty given.	£20; or in the case of a second or subsequent conviction 3 months or £50 or both.	£50.
Schedule 1, para. 5(2)	...	...	...	Giving to purchaser of protective helmet a false warranty in case where warranty might be defence in proceedings under section 33.	£20; or in the case of a second or subsequent conviction 3 months or £50 or both.	£50.

## SCH. 5

## PART IV

AMENDMENTS RELATING TO OFFENCES PUNISHABLE  
ON INDICTMENT OR SUMMARILY

1. In section 233 of the 1960 Act (forgery, misuse, etc. of certain documents) in paragraph (b) of subsection (3) (penalty on summary conviction) for the words from "one hundred" to the end of the paragraph there shall be substituted the words "£200".

2. In section 234 of the 1960 Act (falsification of records) in paragraph (b) (penalty on summary conviction) for the words from "one hundred" to the end of the paragraph there shall be substituted the words "£200".

3. In section 86 of the 1967 Act (forgery, misuse, etc. of parking meter tickets) in paragraph (b) of subsection (2) (penalty on summary conviction) for the words from "£100" to the end of the paragraph there shall be substituted the words "£200".

4.—(1) In Schedule 4 to the 1972 Act (prosecution and punishment of offences) in the entries relating to sections 2, 5(1) and 6(1) of that Act, for the punishment specified in column 4 in relation to an offence punishable summarily there shall in each case be substituted the words "£400 or 4 months imprisonment".

(2) In the entries in that Schedule relating to sections 5(2) and 6(2) of that Act, for the punishment specified in column 4 in relation to an offence punishable summarily there shall in each case be substituted the words "£200".

(3) In the entry in that Schedule relating to section 9(3) of that Act, in column 4, in paragraph (i) (the penalty on summary conviction where the offender was driving or attempting to drive) for the words from "4 months" to the end of the paragraph there shall be substituted the words "£400" and in paragraph (ii) (the penalty on summary conviction where the offender was in charge of the vehicle) for the words "4 months or £100 or both" there shall be substituted the words "£200".

(4) In the entry in that Schedule relating to section 99(b) of that Act,—

(a) for the punishment specified in column 4 where the offence is punishable summarily there shall be substituted the words "3 months or £400 or both"; and

(b) for the punishment specified in column 4 where the offence is punishable on indictment there shall be substituted the words "12 months or a fine or both".

(5) In the entry in that Schedule relating to section 169(1) of that Act, for the punishment specified in column 4 in relation to an offence punishable summarily there shall be substituted the words "£200".

(6) In the entry in that Schedule relating to section 175 of that Act, in column 4 for the words "£50" (the maximum fine on summary conviction) there shall be substituted the words "£100".

SCHEDULE 6

Section 24(2).

MINOR AND CONSEQUENTIAL AMENDMENTS

*The Road Traffic Act 1960*

1960 c. 16.

1.—(1) In section 133 of the 1960 Act (suspension of public service vehicle licences for defects in vehicles) in subsection (1), the proviso (where defects can be remedied suspension not to operate before the expiry of 48 hours unless the defects involve danger to the public) shall be omitted.

(2) After subsection (2) of that section there shall be inserted the following subsections:—

“(2A) A suspension under this section shall, subject to any exemption granted under subsection (2B) of this section, become operative as soon as notice thereof has been given to the licensee under subsection (2) of this section if in the opinion of the certifying officer or public service vehicle examiner concerned the defects in the vehicle involve danger to the public.

(2B) In any case not falling within subsection (2A) of this section, the suspension under this section shall, unless it is previously removed or it previously ceases and subject to any exemption under subsection (2C) of this section, become operative at such time not later than ten days from the date of the inspection as seems appropriate to the certifying officer or public service vehicle examiner concerned, having regard to all the circumstances.

(2C) Where a licence has been suspended under this section any certifying officer or public service vehicle examiner may grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose as may be specified in the exemption and where any such officer or examiner grants any such exemption he shall forthwith give notice of it to the traffic commissioners who granted the licence.

(2D) Where a licence has been suspended under this section any certifying officer or public service vehicle examiner may by endorsement on the notice given to the licensee under subsection (2) thereof vary its terms and, in particular, alter the time at which the suspension is to become operative or suspend it if it has become operative and where any such officer or examiner makes any such variation or alteration he shall forthwith give notice of it to the traffic commissioners who granted the licence.”

2. In section 144 of that Act (drivers' and conductors' licences) at the end of subsection (6) (duration of licence) there shall be added the following subsection:—

“(6A) Without prejudice to section 145(3) of this Act if, on the date on which an application is made for a licence to drive,

## SCH. 6

or act as conductor of, a public service vehicle, the applicant is the holder of such a licence, the existing licence shall, notwithstanding anything in subsection (6) above, continue in force until the application is disposed of”.

1965 c. 16.

*The Airports Authority Act 1965*

3. In section 12 of the Airports Authority Act 1965 (control of road traffic within British Airports Authority aerodromes) in subsection (3) (order may exempt particular roads from application of road traffic enactments) for the words from “particular roads” to the end of the subsection there shall be substituted the words “such roads or lengths of roads to which the public does not have access as the Authority may for the time being identify as being so exempted by means of a sign of a type or character specified in the order”.

1967 c. 76.

*The Road Traffic Regulation Act 1967*

4. In section 1 of the 1967 Act (traffic regulation orders outside Greater London) in subsection (3) (traffic regulation order may contain provisions regulating traffic either generally or subject to exceptions specified in the order) for the words “exceptions so specified, and” there shall be substituted the words “such exceptions as may be specified in the order or determined in a manner provided for by it and, subject to such exceptions as may be so specified or determined”.

5. In section 6 of that Act (traffic regulation orders in Greater London) at the end of subsection (3) (places, times and traffic, etc. to which an order applies) there shall be added the following paragraph:—

“(e) subject to such exceptions as may be specified in the order or determined in a manner provided for by it”.

6.—(1) In section 9 of that Act (experimental traffic orders) at the end of subsection (1) there shall be added the words “and, accordingly, subject to the following provisions of this section,—

(i) the provisions of section 1 of this Act (other than subsections (2), (8) and (9) thereof) shall apply in relation to an experimental traffic order making provision as respects any road outside Greater London as they apply in relation to an order under that section; and

(ii) the provisions of section 6 of this Act (other than subsections (2), (7), (8) and (9) thereof) shall apply in relation to an experimental traffic order making provision as respects traffic on roads in Greater London as they apply in relation to an order under that section.”

(2) Subsection (10) of that section shall be omitted.

7. In sections 24 and 25 of that Act (school crossing patrols) after the words “on their way to or from school”, in each place where they occur, there shall be inserted the words “or on their way from one part of a school to another”.



8. In subsection (1) of section 80 of that Act (fixed penalties in respect of certain offences) in paragraph (d)(ii) (contravention of provisions as to roads which are not to be used by vehicles of certain classes) after the words "roads" there shall be inserted the words "or parts of carriageways".

9. In section 85(1) of that Act (where an offence under that Act is committed, other than an offence under certain specified provisions, information must be given with a view to identifying the driver) the word "9(9)" shall be omitted.

*The Criminal Appeal Act 1968*

1968 c. 19.

10. In section 31 of the Criminal Appeal Act 1968 (powers of Court of Appeal on appeals to that court which are exercisable by a single judge) after subsection (2) there shall be inserted the following subsection:—

"(2A) The power of the Court of Appeal to suspend a person's disqualification under section 94A(2) of the Road Traffic Act 1972 may be exercised by a single judge in the same manner as it may be exercised by the Court."

11. At the end of section 44 of that Act (powers of Court of Appeal on appeals to the House of Lords which are exercisable by a single judge) there shall be added the following subsection:—

"(2) The power of the Court of Appeal to suspend a person's disqualification under section 94A(3) of the Road Traffic Act 1972 may be exercised by a single judge, but where the judge refuses an application to exercise that power the applicant shall be entitled to have the application determined by the Court of Appeal."

*The Road Traffic Act 1972*

1972 c. 20.

12. In section 25(1) of the 1972 Act (duty to stop, and furnish particulars, in case of accident to a person, vehicle or animal) after the word "thereby", in the second place where it occurs, there shall be inserted the words "or to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road in question is situated or land adjacent thereto".

13. In section 36A of that Act the following subsections shall be inserted after subsection (3):—

"(3A) The Secretary of State may by regulations provide that, in relation to vehicles of such classes as may be specified in the regulations, subsection (1) above shall not apply or shall apply subject to such conditions as may be so specified.

(3B) In England and Wales a local authority may institute proceedings for an offence under this section committed with respect to the verge of a road, land or a footway in their area; and in this section "local authority" means the council of a county, district or London borough, the Greater London Council or the Common Council of the City of London."

## SCH. 6

14.—(1) In section 53 of that Act (testing of condition of vehicles on roads) in subsection (1) (authorised examiners may test motor vehicles to ascertain whether certain requirements are complied with) in paragraph (b) after the word “of” there shall be inserted the word “noise”.

(2) In subsection (2) of that section (persons who may act as authorised examiners) the word “and”, in the last place where it occurs, shall be omitted and at the end of the subsection there shall be added the words “and a person appointed by the police authority for a police area to act, under the directions of the chief officer of police, for the purposes of this section”.

15. In section 57(7) of that Act (power to prohibit the driving of vehicles in respect of which a weight limit has been exceeded), in paragraph (a), after the word “exceeded” there shall be inserted the words “or would be exceeded if it were used on a road”.

16. Section 65 of that Act (restriction on number of trailers drawn) shall cease to have effect, but without prejudice to any power under sections 40 and 42 of that Act to make provision with respect to the number of trailers which may be drawn by a motor vehicle.

17. In section 94 of that Act (appeals against disqualification and power of court ordering disqualification to suspend it pending an appeal) after subsection (3) there shall be inserted the following subsection:—

“(3A) Where a court exercises its power under subsection (2) or subsection (3) above it shall send notice of the suspension to the Secretary of State; and for the purposes of this section any such notice shall be sent in such manner and to such address and shall contain such particulars as the Secretary of State may determine.”

18. In section 115 of that Act (duration of heavy goods vehicle driver’s licence) after subsection (3) there shall be added the following subsection:—

“(4) Without prejudice to section 118(4) of this Act if, on the date on which an application is made for a heavy goods vehicle driver’s licence, the applicant is the holder of such a licence and, apart from this subsection, his existing licence would expire in accordance with subsection (1) above, then, notwithstanding anything in that subsection, his existing licence shall continue in force until the application is disposed of”.

19.—(1) In section 161 of that Act (power of constables to require production of driving licences and statement of date of birth) at the end of subsection (4) (no offence committed if licence produced at a police station within five days) there shall be added the words “in respect of a failure to produce his licence”.

(2) Nothing in sub-paragraph (1) above shall affect the operation of the said subsection (4) in relation to a requirement made by a constable before that sub-paragraph comes into operation.

20. In section 166(2) of that Act (if a driver does not produce an insurance certificate, etc. at the time of an accident involving injury, he may do so in person at a nominated police station within five days of the accident being reported) for the words "he produces the same in person" there shall be substituted the words "the certificate or other evidence is produced".

21. In section 168(2) of that Act (information to be given as to identity of driver, etc.) in paragraph (a) after the word "police" there shall be inserted the words "or, in the case of an offence under section 36A or section 36B of this Act, by or on behalf of a local authority within the meaning of the said section 36A".

22. In section 179 of that Act (restrictions on prosecutions for certain offences) after subsection (3) there shall be inserted the following subsection:—

"(3A) The requirement of subsection (2) above shall not apply in relation to an offence if, at the time of the offence or immediately thereafter, an accident occurs owing to the presence on a road of the vehicle in respect of which the offence was committed."

23. In section 198(2) of that Act (certain provisions not to apply to trams and trolley-buses) for the words "60 and 65" there shall be substituted the words "and 60".

24. In Part I of Schedule 4 to that Act (prosecution and punishment of offences), in the entry relating to section 89(3) (driving licence holder failing, when his particulars become incorrect, to surrender licence and give particulars), in column 7 there shall be inserted the words "Section 180 applies".

Section 24(3).

## SCHEDULE 7

## ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	Section 130. Section 131(1)(b). In section 133, in subsection (1) the proviso and in subsection (4) the words "remove the suspension", in the last place where they occur.
10 & 11 Eliz. 2. c. 59.	The Road Traffic Act 1962.	In Schedule 1, in Part III paragraphs 49 and 51. In Schedule 4, the amendment of section 130 of the Road Traffic Act 1960.
1967 c. 76.	The Road Traffic Regulation Act 1967.	Section 9(10). In section 31, in subsection (3) the words from "or to imprisonment" to the end of the subsection. In section 42, in subsection (4) the words from "or to imprisonment" to the end of the subsection. Section 80(10). In section 85(1) the word "9(9)".
1967 c. 80.	The Criminal Justice Act 1967.	In Schedule 3, in Part I the entry relating to section 147(2) of the Road Traffic Act 1960.
1972 c. 20.	The Road Traffic Act 1972.	In section 40(7) the words "or by or under sections 68 to 79 of this Act". In section 47, in subsections (1), (2), (4), (5), (8), (12) and (13), as originally enacted, the word "goods", in each place where it occurs. In section 48(3) the word "goods". In section 50, in subsections (3) and (4) the word "goods", in each place where it occurs, and in subsection (6) the word "goods", in the second and third places where it occurs. In section 51, in subsections (1), (3) and (5)(a) the word "goods", in each place where it occurs. In section 53(2) the word "and", in the last place where it occurs.

SCH. 7

Chapter	Short Title	Extent of Repeal
1972 c. 20 —cont.	The Road Traffic Act 1972—cont.	<p>In section 62(2)(c) the words “46(5) or”.</p> <p>In section 64, in subsections (2) and (4) the word “goods”.</p> <p>Section 65.</p> <p>Sections 68 to 80.</p> <p>Section 81(1).</p> <p>In section 82 the definitions of “hours of darkness” and “public passenger vehicle”.</p> <p>In section 88(5) the words “or any other licence of a description prescribed for the purposes of this subsection”.</p> <p>In section 104, in subsection (1) the words from “orders”, in the first place where it occurs, to “this Act and”, in subsection (2) the words from “orders”, in the first place where it occurs, to “section 103(1) and”, in subsection (3) the words from “in consequence” to the end of the subsection and in subsection (6)(a) the words “orders his licence to be endorsed and”.</p> <p>In section 105, in subsection (2) the words from “but where” to the end of the subsection.</p> <p>In section 162(1)(iii) the words from “or one or more” to “section 47 of this Act” and the words “or 51(1)”.</p> <p>In section 188, in subsection (4), the word “goods”, in both places where it occurs, and subsection (5).</p> <p>In Schedule 4, in Part I the entry relating to section 65(5) of that Act.</p> <p>In Schedule 8, paragraph 3.</p>
1972 c. 27.	The Road Traffic (Foreign Vehicles) Act 1972.	<p>Section 5.</p> <p>Section 7(7).</p>

Printed in the United Kingdom for HMSO

Dd 850 8780 3/93C/ 5620-0 56219 Ord 236120

PRINTED IN ENGLAND BY PAUL FREEMAN

Controller and Chief Executive of Her Majesty's Stationery Office and

Queen's Printer of Acts of Parliament.

Reprinted in the Standard Parliamentary Page Size.

1ST IMPRESSION OCTOBER 1974  
5TH IMPRESSION MARCH 1993