(4) In this section " the appropriate Minister " means the Minister of Housing and Local Government in relation to England and Wales and the Secretary of State in relation to Scotland, and " national service " means any such service in any of Her Majesty's forces or other employment (whether or not in the service of Her Majesty) as may be prescribed by regulations under this section.

(5) Regulations made under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Section forty-four of the Water Act, 1945, and section sixty-six of the Water (Scotland) Act, 1946, are hereby repealed, but without prejudice to their operation in relation to any order made or combination entered into before the commencement of this Act.

Short title, commencement and extent.

**2.**—(1) This Act may be cited as the Water Officers Compensation Act, 1960.

(2) This Act shall come into operation on such date as the Minister of Housing and Local Government and the Secretary of State may by order made by statutory instrument appoint.

(3) This Act does not extend to Northern Ireland.

## CHAPTER 16

ARRANGEMENT OF SECTIONS

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GENERAL PROVISIONS RELATING TO ROAD TRAFFIC

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An Act to consolidate, with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949, certain enactments relating to road traffic. [22nd March, 1960]

BE 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:—

## PART I

### GENERAL PROVISIONS RELATING TO ROAD TRAFFIC

*Offences connected with Driving of motor Vehicles*

Causing death by reckless or dangerous driving.

**1.**—(1) A person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be liable on conviction on indictment to imprisonment for a term not exceeding five years.

(2) An offence against this section shall not be triable by quarter sessions; and nothing in the foregoing subsection shall be construed as empowering a court in Scotland, other than the High Court of Justiciary, to pass for any such offence a sentence of imprisonment for a term exceeding two years.

(3) Section twenty of the Coroners (Amendment) Act, 1926 (which makes special provision where the coroner is informed before the jury have given their verdict that some person has been charged with one of the offences specified in that section) shall apply to an offence against this section as it applies to manslaughter.

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Reckless, and dangerous, driving generally.

**2.**—(1) If a person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable—

(*a*) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment;

(*b*) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(2) If upon the trial of a person for an offence against section one of this Act the jury are not satisfied that his driving was the cause of the death but are satisfied that he is guilty of driving as mentioned in subsection (1) of this section, it shall be lawful for them to convict him of an offence under this section.

(3) Upon the trial of a person who is indicted for manslaughter in England or Wales, or for culpable homicide in Scotland, in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

Careless, and inconsiderate, driving.

**3.**—(1) If a person drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons using the road, he shall be liable on summary conviction to a fine not exceeding forty pounds, or in the case of a second or subsequent conviction to a fine not exceeding eighty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(2) Where a person is charged in England or Wales before a magistrates' court with an offence under the last foregoing section, and the court is of opinion that the offence is not proved, then, at any time during the hearing or immediately thereafter the court may, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence under this section to be preferred forthwith against the defendant and may thereupon proceed with that charge, so however that he or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the

defendant or otherwise, of answering the new charge, and the court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charge's being so preferred, adjourn the hearing.

Speeding.

**4.**—(1) A person convicted of an offence of driving a motor vehicle on a road at a speed exceeding a statutory speed limit shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

(2) A person prosecuted for such an offence as aforesaid shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person prosecuted was driving the vehicle at a speed exceeding a specified limit.

(3) The provisions of subsection (1) of this section shall have effect in substitution for any provision made by or under any enactment relating to a speed limit contained in any Act passed before the thirty-first day of July, nineteen hundred and thirty-four, or under the following provisions of this Act enabling the Minister to regulate traffic in the London Traffic Area, for determining the punishment by way of fine or imprisonment to which a person convicted of driving a motor vehicle as aforesaid is to be liable in respect of that offence.

(4) Notwithstanding anything in the Magistrates' Courts Act, 1952, if a person—

(*a*) is convicted by virtue of section thirty-five of that Act of such an offence as is mentioned in subsection (1) of this section as having aided, abetted, counselled or procured a person who is employed by him to drive, or is subject to his orders in driving, a motor vehicle on a road to commit such an offence as aforesaid; or

(*b*) is convicted summarily of the offence of inciting to commit such an offence as aforesaid,

he shall be liable to a fine not exceeding fifty pounds, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(5) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time-table or schedule, or gives any directions, under which any journey or any stage or part of any journey is to be completed within some specified time, and it is not practicable in the circumstances of the case for that journey or that stage or part of the journey to be completed in the specified time without the commission of such an offence as is mentioned in subsection (1) of this section, the publication or issue of the said time-table or schedule or the giving of the directions may be produced as prima facie evidence

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that the employer, as the case may be, procured or incited the persons employed by him to drive the vehicles to commit such an offence as aforesaid.

Driving under age.

**5.** A person who drives, or causes or permits a person to drive, a motor vehicle in contravention of the provisions of this Act relating to the minimum age for driving motor vehicles of different classes and descriptions shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

Driving, or being in charge, when under influence of drink or drugs.

**6.**—(1) A person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be liable—

(*a*) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment;

(*b*) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(2) A person who, when in charge of a motor vehicle which is on a road or other public place (but not driving the vehicle), is unfit to drive through drink or drugs shall be liable—

(*a*) on conviction on indictment, to a fine or to imprisonment for a term not exceeding six months or to both a fine and such imprisonment;

(*b*) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and such imprisonment.

A person shall be deemed for the purposes of this subsection not to have been in charge of a motor vehicle if he proves—

(i) that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained unfit to drive through drink or drugs; and

(ii) that between his becoming unfit to drive as aforesaid and the material time he had not driven the vehicle on a road or other public place.

(3) A person liable to be charged with an offence under this section shall not be liable to be charged—

(*a*) under section twelve of the Licensing Act, 1872, with the offence of being drunk while in charge, on a highway or other public place, of a carriage, or

(*b*) under section seventy of the Licensing (Scotland) Act, 1903, with the offence of being drunk while in charge, in a street or other place, of a carriage.

(4) A police constable may arrest without warrant a person committing an offence under this section.

(5) Where a person convicted of an offence under subsection (2) of this section has been previously convicted of an offence under subsection (1) thereof, he shall be treated for the purposes of the said subsection (2) as having been previously convicted under that subsection.

(6) In this section "unfit to drive through drink or drugs" means under the influence of drink or a drug to such an extent as to be incapable of having proper control of a motor vehicle.

Motor racing on highways.

**7.** A person who promotes or takes part in a race or trial of speed between motor vehicles on a public highway shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Restriction on carriage of persons on motor cycles.

**8.**—(1) It shall not be lawful for more than one person in addition to the driver to be carried on a two-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat.

(2) If a person is carried on a cycle in contravention of the foregoing subsection, the driver of the cycle shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

*Offences connected with Riding of pedal Cycles*

Reckless, and dangerous cycling.

**9.** If a person rides a bicycle or tricycle, not being a motor vehicle, on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable on summary conviction to a fine not exceeding thirty pounds, or in the case of a second or subsequent conviction to a fine not exceeding thirty pounds or to imprisonment for a term not exceeding three months.

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Careless, and inconsiderate, cycling.

**10.**—(1) If a person rides a bicycle or tricycle, not being a motor vehicle, on a road without due care and attention, or without reasonable consideration for other persons using the road, he shall be liable on summary conviction to a fine not exceeding ten pounds, or in the case of a second or subsequent conviction to a fine not exceeding twenty pounds.

(2) Where a person is charged in England or Wales before a magistrates' court with an offence under the last foregoing section, and the court is of opinion that the offence is not proved, then, at any time during the hearing or immediately thereafter the court may, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence under this section to be preferred forthwith against the defendant and may thereupon proceed with that charge, so however that he or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charge's being so preferred, adjourn the hearing.

Cycling when under influence of drink or drugs.

**11.**—(1) A person who, when riding a bicycle or tricycle, not being a motor vehicle, on a road or other public place, is unfit to ride through drink or drugs shall be liable on summary conviction to a fine not exceeding thirty pounds, or in the case of a second or subsequent conviction to a fine not exceeding thirty pounds or to imprisonment for a term not exceeding three months.

(2) A person liable to be charged with an offence under this section shall not be liable to be charged—

(*a*) under section twelve of the Licensing Act, 1872, with the offence of being drunk while in charge, on a highway or other public place, of a carriage, or

(*b*) under section seventy of the Licensing (Scotland) Act, 1903, with the offence of being drunk while in charge, in a street or other place, of a carriage.

(3) A police constable may arrest without warrant a person committing an offence under this section.

(4) In this section "unfit to ride through drink or drugs" means, as regards a person riding a bicycle or tricycle, under the influence of drink or a drug to such an extent as to be incapable of having proper control of it.

Regulation of cycle racing on highways.

**12.**—(1) A person who promotes or takes part in a race or trial of speed on a public highway between bicycles or tricycles, not being motor vehicles, shall, unless the race or trial is

authorised, and is conducted in accordance with any conditions imposed, by or under regulations under this section, be liable on summary conviction to a fine not exceeding ten pounds.

(2) The appropriate Minister may by regulations authorise, or provide for authorising, for the purposes of the foregoing subsection the holding on a public highway of races or trials of speed of any class or description, or a particular race or trial of speed, in such cases as may be prescribed and subject to such conditions as may be imposed by or under the regulations, and may prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations, and regulations under this section may make different provision for different classes or descriptions of races and trials.

(3) Without prejudice to any other powers exercisable in that behalf, the chief officer of police may give such directions with respect to the movement of, or the route to be followed by, vehicular traffic, during such period, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of the holding of a race or trial of speed authorised by or under regulations under this section, including a direction that any road or part of a road specified in the direction shall be closed during any such period to vehicles or to vehicles of a class or description so specified.

(4) In this section "public highway" does not include a footpath or bridleway.

Restriction on carriage of persons on bicycles.

**13.**—(1) It shall not be lawful for more than one person to be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.

(2) If a person is carried on a bicycle in contravention of the foregoing subsection, each of the persons carried shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

(3) In this section references to a person carried on a bicycle shall include references to a person riding the bicycle.

*Offences connected with Traffic generally*

Drivers to comply with traffic directions.

**14.**—(1) Where a police constable is for the time being engaged in the regulation of traffic in a road, or where a traffic sign, being a sign of the prescribed size, colour and type, or of another character authorised by the appropriate Minister under the provisions in that behalf of this Act, has been lawfully placed on or near a road, a person driving or propelling a vehicle who—

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(*a*) neglects or refuses to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic when directed so to do by the police constable in the execution of his duty, or

(*b*) fails to comply with the indication given by the sign,

shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

(2) A traffic sign shall not be treated for the purposes of this section as having been lawfully placed unless either—

(*a*) the indication given by the sign is an indication of a statutory prohibition, restriction or requirement, or

(*b*) it is expressly provided by or under any provision of this Act that this section shall apply to the sign or to signs of a type of which the sign is one ;

and where the indication mentioned in paragraph (*a*) of this subsection is of the general nature only of the prohibition, restriction or requirement to which the sign relates a person shall not be convicted of failure to comply with the indication unless he has failed to comply with the said prohibition, restriction or requirement.

(3) For the purposes of this section a traffic sign placed on or near a road shall be deemed to be of the prescribed size, colour and type, or of another character authorised as mentioned in subsection (1) of this section, and (subject to the last foregoing subsection) to have been lawfully so placed, unless the contrary is proved.

(4) It shall be lawful in Scotland to convict a person of a contravention of this section on the evidence of one witness.

Pedestrians to comply with directions to stop given by constables regulating vehicular traffic.

**15.** Where a police constable in uniform is for the time being engaged in the regulation of vehicular traffic in a road, a person on foot who proceeds across or along the carriageway in contravention of a direction to stop given by the constable, in the execution of his duty, either to persons on foot or to persons on foot and other traffic, shall be liable on summary conviction to a fine not exceeding ten pounds, or in the case of a second or subsequent conviction to a fine not exceeding twenty-five pounds.

Leaving vehicles in dangerous positions.

**16.** If a person in charge of a vehicle causes or permits the vehicle or a trailer drawn thereby to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, he shall be liable on summary conviction to a fine not exceeding

twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months. PART I

*Restrictions on Use of motor Vehicles off Roadway*

Control of use of footpaths and bridleways for motor vehicle trials.

**17.**—(1) No person shall promote or take part in a trial of any description between motor vehicles on a footpath or bridleway unless the holding of the trial has been authorised under this section by the local authority.

(2) A local authority shall not give an authorisation under this section unless satisfied that consent in writing to the use of any length of footpath or bridleway for the purposes of the trial has been given by the owner and by the occupier of the land over which that length of footpath or bridleway runs, and any such authorisation may be given subject to compliance with such conditions as the authority think fit.

(3) A person who contravenes subsection (1) of this section, or fails to comply with any conditions subject to which an authorisation under this section has been granted, shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) No statutory provision prohibiting or restricting the use of footpaths or bridleways or a specified footpath or bridleway shall affect the holding of a trial authorised under this section; but this section shall not prejudice any right or remedy of a person as having an interest in any land.

(5) In this section " local authority "—

(*a*) as respects England and Wales, means the council of a county or county borough, except that in relation to a footpath or bridleway for which the council of a borough, not being a county borough, or of an urban district is the highway authority, the said expression means that council;

(*b*) as respects Scotland, means a county council or town council.

Prohibition of driving motor vehicles elsewhere than on roads.

**18.**—(1) Subject to the provisions of this section, if without lawful authority a person drives a motor vehicle on to or upon any common land, moorland or other land of whatsoever description, not being land forming part of a road, or on any road being a footpath or bridleway, he shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

(2) It shall not be an offence under this section to drive a motor vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

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(3) 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 that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(4) It is hereby declared that nothing in this section prejudices the operation of section one hundred and ninety-three of the Law of Property Act, 1925 (which relates to the rights of the public over commons and waste lands), or of any byelaws applying to any land or affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass or in particular confers a right to park a vehicle on any land.

*Speed Limits on restricted Roads*

General speed limit for restricted roads.

**19.**—(1) It shall not be lawful for a person to drive a motor vehicle on a restricted road at a speed exceeding thirty miles per hour.

(2) A direction may be given as respects any specified restricted road that the foregoing subsection shall have effect as if it imposed a limit of speed of forty miles per hour.

(3) The Minister and the Secretary of State, acting jointly, may by order made by statutory instrument and approved by a resolution of each House of Parliament increase or reduce the rate of speed fixed by subsection (1) or subsection (2) of this section, either as originally enacted or as varied under this subsection.

What roads restricted.

**20.**—(1) Subject to the provisions of this section, a road is a restricted road for the purposes of the last foregoing section if there is provided thereon a system of street lighting furnished by means of lamps placed not more than two hundred yards apart.

(2) A trunk road or classified road is not a restricted road for the purposes of the last foregoing section by reason only of the provision thereon of such a system of street lighting as aforesaid unless such a system was provided thereon before the first day of July, nineteen hundred and fifty-seven.

(3) A direction may be given that a specified road which is a restricted road for the purposes of the last foregoing section shall cease to be a restricted road for those purposes or that a specified road which is not a restricted road for those purposes shall become a restricted road for those purposes.

(4) In any proceedings for a contravention of the last foregoing section—

(*a*) a certificate of an officer of the highway authority for any road stating whether such a system of street lighting as aforesaid was provided thereon before the first day of July, nineteen hundred and fifty-seven ; and

(*b*) a certificate of an officer of the appropriate Minister that a road is or is not a trunk road or a classified road,

shall be evidence of the facts certified ; and a document purporting to be such a certificate and to be signed by such an officer as is mentioned in paragraph (*a*) or (*b*) of this subsection shall be deemed to be such a certificate unless the contrary is shown.

(5) No part of a special road shall be a restricted road for the purposes of the last foregoing section on or after such date as may be declared by a notice published by the highway authority, in such manner as may be prescribed by regulations made by the appropriate Minister, to be the date on which it is open for use as a special road.

Provisions as to directions under sections 19 and 20.

**21.**—(1) Subject to the provisions of this section, the authority having power to give a direction under subsection (2) of section nineteen of this Act or subsection (3) of the last foregoing section—

(*a*) as respects a road outside the London Traffic Area, not being a trunk road, shall be the local authority ;

(*b*) as respects a road in the London Traffic Area, not being a trunk road, shall be the Minister ;

(*c*) as respects a trunk road, shall be the appropriate Minister.

(2) A direction given in a case falling within paragraph (*a*) of the foregoing subsection shall be given by means of an order made by the local authority after giving public notice of their intention to make an order and after consultation with the chief officer of police and with the consent of the appropriate Minister.

(3) A direction given in a case falling within paragraph (*b*) of subsection (1) of this section shall be given by means of an order made, by statutory instrument, by the Minister after giving public notice of his intention to make an order and after consultation with the London and Home Counties Traffic Advisory Committee.

(4) A direction given in a case falling within paragraph (*c*) of subsection (1) of this section shall be given by means of an order made, by statutory instrument, by the appropriate Minister after giving public notice of his intention to make an order and,

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in the case of a road in the London Traffic Area, after consultation with the London and Home Counties Traffic Advisory Committee.

(5) The appropriate Minister may give notice to the local authority, as respects any road falling within paragraph (*a*) of subsection (1) of this section which is a restricted road for the purposes of section nineteen of this Act, that he has under consideration the question whether—

(*a*) a direction should be given that it shall cease to be a restricted road for those purposes, or

(*b*) a direction for the time being in force that it shall be a restricted road for those purposes should be revoked or varied, or

(*c*) a direction should be given that the limit of speed applicable under the said section nineteen shall be the limit imposed by subsection (2) of that section;

and where such a notice has been given, then if within the time limited by the notice the local authority so require the appropriate Minister shall, and in any case he may, hold a local inquiry, and subject as aforesaid may by order, made by statutory instrument, give, or revoke or vary, the direction, as the case may be.

(6) A direction given by order under the foregoing provisions of this section may be revoked or varied by a subsequent order made in the like manner.

Signs for indicating speed restrictions.

**22.**—(1) It shall be the duty of the competent authority—

(*a*) to erect and maintain the prescribed traffic signs in such positions as may be requisite in order to give effect to general or other directions given by the appropriate Minister for the purpose of securing that adequate guidance is given to drivers of motor vehicles as to whether a road is or is not a restricted road for the purposes of section nineteen of this Act, and what limit of speed is to be observed where a road is a restricted road for those purposes; and

(*b*) to alter or remove traffic signs as may be requisite in order to give effect to such directions as aforesaid, either in consequence of the making of an order by the appropriate Minister or otherwise;

and if the authority make default in executing any works required for the performance of the duty imposed upon them by this subsection, the appropriate Minister may himself execute them; and the expense incurred by him in so doing shall be recoverable by him from the authority and, in England or Wales, shall be so recoverable summarily as a civil debt.

(2) In its application to a trunk road the foregoing subsection shall have effect with the omission of the words " in order to give effect to general or other directions given by the appropriate Minister " in paragraph (*a*), and the words from the beginning of paragraph (*b*) to the end of the subsection.

(3) Where no system of street lighting furnished by means of lamps placed not more than two hundred yards apart is provided on a road but the road is a restricted road for the purposes of section nineteen of this Act, a person shall not be convicted of a contravention of that section unless the fact that it is a restricted road for those purposes is indicated by means of such traffic signs as are mentioned in subsection (1) of this section.

(4) In any proceedings for such a contravention as aforesaid, being proceedings relating to driving on a road provided with such a system of street lighting as is specified in the last foregoing subsection, evidence of the absence of traffic signs displayed in pursuance of this section to indicate that the road is not a restricted road for the purposes of section nineteen of this Act shall be evidence that the road is a restricted road for those purposes.

(5) In this section " the competent authority " means—

(*a*) as respects a road outside the London Traffic Area, not being a trunk road, the local authority;

(*b*) as respects a road in the London Traffic Area, not being a trunk road, the Common Council of the City of London if the road is in the City, the council of a metropolitan borough if the road is elsewhere in the administrative county of London, and the local authority if the road is outside the administrative county of London;

(*c*) as respects a trunk road, the appropriate Minister.

Provisions supplementary to sections 19 to 22.

**23.**—(1) In the four last foregoing sections " local authority "—

(*a*) in relation to a road in England or Wales means—

(i) in the case of a road in a county borough or in a non-county borough having a population according to the last published census of over twenty thousand, the council of the borough;

(ii) in the case of a road in an urban district having such a population as aforesaid, the council of the district;

(iii) in the case of a road in a non-county borough not having such a population as aforesaid, in an urban district not having such a population, or in a rural district, the council of the county in which it is situated;

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(*b*) in relation to a road in Scotland, means the county or town council responsible for the maintenance and management of the road;

and "road" means any length of road.

(2) A county council in Scotland shall, before arriving at a decision as to the exercise of any power conferred on them by the four last foregoing sections with regard to a classified road in a burgh, consult with the town council of the burgh.

*Speed Limits for certain Classes of Vehicles*

Speed limits for vehicles of different classes or descriptions.

**24.**—(1) It shall not be lawful for a person to drive a motor vehicle of any class or description on a road at a speed greater than the speed specified in the First Schedule to this Act as the maximum speed in relation to a vehicle of that class or description.

(2) The Minister may by regulations vary, subject to such conditions as may be specified in the regulations, the provisions of the First Schedule to this Act.

(3) Regulations under this section may make different provision as respects the same class or description of vehicles in different circumstances.

(4) Without prejudice to the last foregoing subsection, regulations under this section may make particular provision in relation to vehicles while being driven on special roads, but such provision shall not have effect in relation to any part of a special road until such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under subsection (5) of section twenty of this Act, to be the date on which it is open for use as a special road.

(5) The Minister shall not have power under this section to vary the speed limit imposed by section nineteen of this Act.

(6) The Minister shall not have power under this section to impose a speed limit, as respects driving on roads not being restricted roads for the purposes of section nineteen of this Act, on a vehicle which is constructed solely for the carriage of passengers and their effects, is not adapted to carry more than seven passengers exclusive of the driver, is not a heavy motor car, is not an invalid carriage, is not drawing a trailer, and is fitted with pneumatic tyres on all its wheels.

*Speed Limits: Exemptions*

Exemption of fire engines, &c., from speed limits.

**25.** No statutory provision imposing a speed limit on motor vehicles shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of those provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

*Traffic Regulation outside London Traffic Area* PART I

Traffic regulation orders outside London Traffic Area.

**26.**—(1) The authority hereinafter specified may make an order (in this and the three next following sections referred to as a " traffic regulation order ") as respects any road outside the London Traffic Area where it appears to the authority making the order that it is expedient so to do—

(*a*) for avoiding danger to persons or other traffic using the road or any other road, or

(*b*) for preventing damage to the road or to any building on or near the road, or

(*c*) for facilitating the passage of vehicular traffic on the road or any other road, or

(*d*) for preventing the use of the road by vehicular traffic of a kind which, or the use thereof by such traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or

(*e*) without prejudice to the generality of the last foregoing paragraph, for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot.

(2) The authority having power to make traffic regulation orders—

(*a*) as respects roads not being trunk roads, shall be the local authority, that is to say, in England or Wales, the council of a county or county borough or of any other borough having a population of over twenty thousand according to the last census for the time being or of an urban district having such a population, and in Scotland a county council or a town council,

(*b*) as respects trunk roads, shall be the appropriate Minister;

and the appropriate Minister, on application in that behalf being made to him by the governing body of a university in the receipt of a grant from public moneys, and after holding if he thinks fit a public inquiry, shall have power to make a traffic regulation order as respects a road not being a trunk road.

The powers conferred by this subsection on the appropriate Minister shall be exercisable by statutory instrument.

(3) The provision which may be made by a traffic regulation order shall be any provision prohibiting, restricting or regulating the use of a road or any part of the width thereof by vehicular traffic or by such traffic of any class or description specified in the order, either generally or subject to exceptions so specified, and either at all times or at times, on days or during periods

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so specified, and, without prejudice to the generality of this subsection, any provision—

(*a*) requiring such traffic to proceed in a specified direction or prohibiting its so proceeding,

(*b*) specifying the part of the carriageway to be used by such traffic proceeding in a specified direction,

(*c*) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles,

(*d*) prohibiting the use of roads by through traffic,

(*e*) prohibiting or restricting overtaking,

(*f*) regulating the speed of vehicles;

but no prohibition or restriction on waiting imposed under this section shall apply to a stage carriage or express carriage.

(4) Subject to the next following subsection, no order shall be made under this section with respect to any road which would have the effect of preventing such access as may be reasonably required for vehicles of any class or description to any premises situated on or adjacent to the road, or any other premises accessible for vehicles of that class or description from, and only from, the road; but for the purposes of this prohibition a restriction on the loading or unloading of goods shall in no circumstances be treated as preventing such access as may be reasonably required if the restriction does not prevent loading or unloading for more than six hours in all in any consecutive period of twenty-four hours.

(5) The last foregoing subsection shall not have effect in relation to an order made by the appropriate Minister or confirmed by him in pursuance of the next following section in so far as the authority making the order is satisfied that, for avoiding danger to persons or other traffic using the road to which the order relates or any other road, or for preventing damage to the road or buildings on or near it, it is requisite that that subsection should not apply, and it is stated in the order that the said authority is satisfied as aforesaid.

(6) This section shall not apply in relation to any part of a special road on or after such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under subsection (5) of section twenty of this Act, to be the date on which it is open for use as a special road.

(7) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of a traffic regulation order

shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds. PART I

Confirmation, revocation and variation of local authorities' traffic regulation orders.

**27.**—(1) Save as provided by subsection (4) of this section, a traffic regulation order made by a local authority shall not have effect unless confirmed by the appropriate Minister.

(2) The appropriate Minister, if he confirms any such order as aforesaid, may confirm it either without modification or subject to such modifications as he thinks fit, but he shall not confirm an order until twenty-eight days at least have elapsed since the making of the order and, before confirming it, shall consider any objections which may have been made to him against the order and, if he thinks fit, may cause a public inquiry to be held.

(3) Any such order as aforesaid may be revoked, varied or amended by order of the local authority, subject to the like confirmation, given subject to the like provisions, as the first-mentioned order, or may be revoked, varied or amended by order made, by statutory instrument, by the appropriate Minister, after giving notice to the local authority and holding, if he thinks fit, a public inquiry.

(4) An order made by a local authority containing no provision other than provision—

(*a*) requiring traffic to proceed in a specified direction or prohibiting its so proceeding,

(*b*) specifying the part of the carriageway to be used by traffic proceeding in a specified direction,

(*c*) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles,

(*d*) prohibiting or restricting the use of footpaths or bridleways by bicycles and tricycles, or

(*e*) revoking or varying any such requirement, prohibition or restriction,

shall not require confirmation; but where the appropriate Minister revokes, varies or amends any such order as aforesaid, an order imposing or varying, as respects the same length of road, any such requirement, prohibition or restriction as aforesaid, being an order made within twelve months after the revocation, variation or amendment by the appropriate Minister, shall be subject to confirmation by him to the like extent as if this subsection had not been passed.

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Provisions as to Ministers' traffic regulation orders.

**28.**—(1) A traffic regulation order made by the appropriate Minister may be revoked, varied or amended by order made by him by statutory instrument.

(2) Before making, revoking, varying or amending a traffic regulation order as respects a trunk road, the appropriate Minister shall give notice to the local authority (as defined in subsection (2) of section twenty-six of this Act) and shall, if he thinks fit, hold a public inquiry; and before revoking, varying or amending a traffic regulation order made upon the application of the governing body of a university, he shall give notice to that body and, if he thinks fit, hold a public inquiry.

Provisions supplementary to sections 26 to 28.

**29.**—(1) The appropriate Minister may make regulations for prescribing the procedure to be followed in connection with the making by local authorities of orders under sections twenty-six and twenty-seven of this Act, the confirmation of orders so made where confirmation is required, and the holding of inquiries for the purposes of any of the three last foregoing sections.

(2) Where a traffic regulation order is made by a local authority, or having been so made is revoked, varied or amended (whether by an order made by them or one made by the appropriate Minister), the local authority shall publish, in such manner as may be prescribed by regulations made by the appropriate Minister, notice of the making and effect of the order.

Regulations under this subsection may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

*Traffic Regulation in London Traffic Area*

The London and Home Counties Traffic Advisory Committee.

**30.**—(1) With a view to facilitating and improving the regulation of traffic in and near London, the committee constituted by section one of the London Traffic Act, 1924, by the name of the London and Home Counties Traffic Advisory Committee shall continue in existence by that name for the purpose of giving advice and assistance to the Minister, in manner provided by this Act, in connection with the exercise and performance of his powers and duties in relation to traffic within the London Traffic Area.

(2) The constitution of the said Committee shall be that provided by the provisions in that behalf of the Second Schedule to this Act and the supplementary provisions contained in that Schedule shall have effect with respect to the said Committee.

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General functions of Advisory Committee.

**31.**—(1) Without prejudice to the duties conferred on them by any other enactment, it shall be the duty of the London and Home Counties Traffic Advisory Committee—

(*a*) to consider, report to and advise the Minister on any matters relating to traffic within the London Traffic Area which in their opinion ought to be brought to the notice of the Minister and, in particular, to consider, report to and advise the Minister on any of the matters mentioned in the Third Schedule to this Act which may be referred to them by the Minister;

(*b*) to consider, report to and advise the Minister on any other matters which under this Act are referred to them by the Minister.

(2) References in the said Third Schedule to streets shall be construed as including references to highways and bridges carrying highways and to lanes, mews, footways, squares, courts, alleys and passages whether thoroughfares or not.

Annual report of Advisory Committee.

**32.** The London and Home Counties Traffic Advisory Committee shall make an annual report on their proceedings to the Minister, which shall be laid before Parliament.

Power of Advisory Committee to hold inquiries.

**33.**—(1) In a case where the London and Home Counties Traffic Advisory Committee think it desirable or expedient so to do, the Committee may, before advising and reporting to the Minister on any matter referred to them in pursuance of this or any other Act, appoint one or more of their number to hold, or may if they think it advisable themselves hold, such public inquiry into the matter as they may think fit, and when one or more members of the Committee are appointed to hold the inquiry they shall make a report to the Committee.

(2) Before any such inquiry is held the Committee shall give public notice of the date and place at which the inquiry will be held and of the matters to be dealt with at the inquiry, and any person affected may make representations to the member or members holding the inquiry, or, in the case of an inquiry held by the Committee themselves, to the Committee, and unless in their discretion the member, members or Committee consider it unnecessary, any such person shall be heard at the inquiry.

For the purposes of this subsection the Corporation of the City of London and the council of any county, borough or district wholly or partly comprised in the London Traffic Area shall be deemed to be persons affected and (notwithstanding anything in the foregoing provisions of this subsection) shall have the right to be heard in any case where the Corporation or council, or any persons represented by them, may be affected by the inquiry.

(3) In a case where the Minister thinks it expedient or proper so to do, he may delegate to the Committee the duty

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of holding any inquiry respecting any matter affecting traffic within the London Traffic Area which under the provisions of this or any other Act he is authorised or required to hold, and where he has so delegated any such duty the Committee shall appoint one or more of their number to hold, or may if they think it advisable themselves hold, such inquiry as is required under the provisions in respect of which the duty has been delegated; and when one or more members of the Committee are appointed to hold the inquiry they shall make a report to the Committee.

(4) In a case where in pursuance of the foregoing provisions of this section a public inquiry is held by a member of the Committee or by the Committee themselves, the member or Committee may by order require any person, subject to payment or tender of the reasonable expenses of his attendance, to attend as a witness at the inquiry and to give evidence, or to produce any documents in his possession or power which relate to the subject matter of the inquiry and are such as would not be privileged from production in a court of law, and shall have power to take evidence on oath, and that member or the chairman of the Committee shall have power to administer oaths for that purpose.

(5) If a person fails without reasonable excuse to comply with an order made under the last foregoing subsection, he shall be liable on summary conviction to a fine not exceeding five pounds.

(6) In this section " borough " includes metropolitan borough.

Traffic regulation in London Traffic Area.

**34.**—(1) The Minister may make regulations for controlling or regulating vehicular and other traffic on roads within the London Traffic Area and in particular, but without prejudice to the generality of the foregoing words, for any of the purposes, or with respect to any of the matters, mentioned in the Fourth Schedule to this Act.

(2) Any such regulations may be made so as to apply—

(*a*) to the London Traffic Area as a whole, or to particular parts thereof, or to particular places or streets, or parts of streets, therein;

(*b*) throughout the day, or during particular periods;

(*c*) on special occasions only, or at special times only;

(*d*) to vehicles and traffic of any particular class;

and, for the purposes of paragraph (*d*) of this subsection, may classify vehicles and traffic by reference to any one or more of the following considerations, that is to say, weight, motive power, speed, the character of the load carried or the absence of any load, the number of passengers the vehicle is adapted to carry and the purpose for which, and the direction in which, the traffic is being conducted, and, in the case of public service

vehicles, the nature of the service provided by the vehicle, the route on which the vehicle is being operated and whether it is for the time being engaged in carrying passengers or not.

(3) Any regulations so made by the Minister may provide for the suspension or modification so long as the regulations remain in force of any provisions of any Acts (whether public general or local or private, and including provisions contained in this Act), byelaws or regulations, dealing with the same subject matter as the regulations made by the Minister, or of any Acts conferring power of making byelaws or regulations dealing with the same subject matter, so far as such provisions apply to any place or street to which the regulations made by the Minister apply.

(4) Any such regulations may provide for imposing fines recoverable summarily in respect of breaches thereof not exceeding in the case of a first offence twenty pounds, or in the case of a second or subsequent offence fifty pounds, together with, in the case of a continuing offence, a further fine not exceeding five pounds for each day the offence continues after notice of the offence has been given in such manner as may be prescribed by the regulations.

(5) Before making any regulations under this section the Minister shall refer the matter to the London and Home Counties Traffic Advisory Committee for their advice and report.

(6) Before making any such regulations which will impose new or additional duties on the police, the Minister shall consult the Secretary of State.

(7) The making of any regulations under this section shall be conclusive evidence that the requirements of this section have been complied with.

(8) This section shall not apply in relation to any part of a special road on or after such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under subsection (5) of section twenty of this Act, to be the date on which it is open for use as a special road.

(9) In this section and in the Fourth Schedule to this Act "street" includes any highway and any bridge carrying a highway, and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not.

Experimental traffic schemes in London.

**35.**—(1) Where it appears to the commissioner of police expedient so to do for the purpose of carrying out within his area an experimental scheme of traffic control, he may with the consent of the Minister, and after giving such notice as the Minister may direct, make regulations for regulating vehicular traffic in any manner specified in the Fifth Schedule to this Act.

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(2) Any provision contained in regulations under this section may be made so as to apply at all times or on specified days or during specified periods, and either throughout the day or during any specified part of the day, and to vehicular traffic generally or to such traffic of any class or description specified in the regulations, and regulations under this section may make different provision for different classes or descriptions of traffic.

(3) If a person contravenes, or fails to comply with, regulations under this section he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

(4) Regulations under this section may suspend or modify regulations made by the Minister under the last foregoing section.

(5) Regulations under this section shall not continue in force for a period longer than six months after the making thereof, together with such further period (if any) not exceeding twelve months as the Minister may at any time before the expiration of the regulations direct; and (without prejudice to the power of the commissioner of police to revoke regulations under this section) such regulations may be revoked by regulations of the Minister under the last foregoing section.

(6) A document purporting to be a copy, certified by a person authorised by the commissioner of police, of regulations under this section shall be evidence of the contents of such regulations.

(7) This section shall apply within the metropolitan police district and the City of London, but not elsewhere; and in this section " the commissioner of police " means, in relation to the metropolitan police district, the commissioner of police of the metropolis, and in relation to the City of London, the commissioner of police for the City of London.

*Traffic Regulation in special Cases*

Temporary prohibition or restriction of traffic on roads.

**36.**—(1) Subject to the provisions of this section, if a highway authority are satisfied that traffic on a road for the maintenance of which they are responsible should, by reason of any works' being executed or proposed to be executed on or near the road, be restricted or prohibited, they may by order restrict or prohibit the use of that road or of any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as they may consider necessary.

A highway authority, when considering the question of the making of an order under this subsection, shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order.

(2) A highway authority may at any time by notice restrict or prohibit temporarily the use of a road or any part of a road by vehicles or by vehicles of any particular class or description where, owing to the likelihood of danger to the public or of serious damage to the highway, it appears to them necessary that such restriction or prohibition should come into force without delay.

(3) The provision which may be made by any such order or notice as aforesaid shall be any such provision as is mentioned in subsection (3) of section twenty-six of this Act.

(4) Where an order under subsection (1) or a notice under subsection (2) of this section is made or issued by a highway authority, any such provision as is specified in paragraph (*a*), (*b*) or (*c*) of subsection (3) of section twenty-six of this Act may be made, as respects any alternative road,—

(*a*) where that authority is the highway authority for the alternative road, by order made by them;

(*b*) where that authority is not the highway authority therefor, by order made,—

(i) where the alternative road is other than a trunk road, by that authority, with the consent of the highway authority for the alternative road;

(ii) where the alternative road is a trunk road, by the appropriate Minister on the application of that authority;

and subsections (4) and (5) of the said section twenty-six shall apply to an order under this subsection as they apply to an order under that section.

Any power conferred by this subsection to make an order shall include power to vary or revoke it.

(5) An order made or notice issued under the foregoing provisions of this section may suspend any statutory provision of a description which could have been contained in the order or notice or, in the case of an order under the last foregoing subsection, any statutory provision prohibiting the use of roads by through traffic, and any such provision (other than one contained in the order or notice) shall have effect subject to the order or notice.

(6) An order under subsection (1) or subsection (4) of this section, not being an order made by a Minister, shall not without the approval of the appropriate Minister continue in force for a longer period than six weeks from the making thereof; and where the appropriate Minister has refused to approve the continuing in force of an order made under the said subsection (1) then except with the approval of the appropriate Minister no subsequent order shall be made under that subsection as respects any length of road to which the previous order related unless at least three months have expired from the time when the previous order ceased to have effect.

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(7) A notice issued under subsection (2) of this section shall not continue in force for a longer period than fourteen days from the date thereof.

(8) A person who uses or permits the use of a vehicle in contravention of a restriction or prohibition imposed under this section shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

(9) The provisions of the Sixth Schedule to this Act shall have effect as to the notification of the exercise or proposed exercise of the powers conferred by this section and otherwise in relation thereto; and in that Schedule " the principal section " means this section.

(10) In this section " alternative road ", in relation to a road as respects which an order under subsection (1) or notice under subsection (2) of this section is made or issued, means a road providing an alternative route for traffic diverted from the first-mentioned road or from any other alternative road, or capable of providing such an alternative route apart from any statutory provision authorised by the foregoing provisions of this section to be suspended by an order under subsection (4) of this section.

(11) The powers conferred by this section on the appropriate Minister to make orders shall be exercisable by statutory instrument.

Traffic regulation on special roads.

**37.**—(1) A special road shall not be used, except as provided by or under regulations made under the next following subsection, by any traffic other than traffic of a class authorised in that behalf by a scheme under section one of the Special Roads Act, 1949, or section eleven of the Highways Act, 1959 (or, if the road is one to which the last-mentioned Act applies by virtue of section nineteen thereof, by any traffic other than traffic of a class for the time being authorised by virtue of that section).

(2) The appropriate Minister may make regulations with respect to the use of special roads, and such regulations may, in particular,—

(*a*) regulate the manner in which and the conditions subject to which special roads may be used by traffic of the class authorised in that behalf by such a scheme as is mentioned in subsection (1) of this section or, as the case may be, by virtue of the said section nineteen;

(*b*) authorise, or enable such authority as may be specified in the regulations to authorise, the use of special roads, on occasion or in emergency or for the purpose of crossing, or for the purpose of securing access to premises abutting on or adjacent to the roads, by traffic other than such traffic as aforesaid, or relax or enable any such authority as aforesaid to relax any prohibition or restriction imposed by the regulations.

(3) Regulations made under the last foregoing subsection may make provision with respect to special roads generally, or may make different provision with respect to special roads provided for the use of different classes of traffic, or may make provision with respect to any particular special road.

(4) If a person uses a special road in contravention of this section or of regulations under subsection (2) thereof he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(5) The provisions of this section, and of any regulations made under subsection (2) thereof, shall not apply to any part of a special road until such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under subsection (5) of section twenty of this Act, to be the date on which it is open for use as a special road; but nothing in this subsection shall be construed as preventing the making of regulations under subsection (2) of this section so as to come into force, in relation to any such road, on the said date.

(6) In this section "use", in relation to a road, includes crossing.

One-way traffic on trunk roads.

**38.**—(1) Without prejudice to the powers of the appropriate Minister under section twenty-six of this Act, where he proposes to make an order under section one of the Trunk Roads Act, 1946, or section seven of the Highways Act, 1959, directing that a road shall become a trunk road and considers it expedient that that road, when it becomes a trunk road, should be used only for traffic passing in one direction, and that any other road, being a trunk road or a road which is to become a trunk road by virtue of the order, should be used only for traffic passing in the other direction, the order under the said section one or the said section seven, as the case may be, may make provision for restricting the use of those roads accordingly as from such date as may be specified in that behalf in the order.

(2) A person who uses a vehicle or causes or permits a vehicle to be used in contravention of any provision made by virtue of the foregoing subsection shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

Regulation of use of highways by public service vehicles.

**39.**—(1) Subject to the next following subsection, a local authority may make orders for determining the highways which may or may not be used by public service vehicles in the area or in any part of the area of the authority and for fixing thereon

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stands for public service vehicles and as to the places at which such vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers and as to the manner of using such stands and places.

(2) No order shall be made under this section as respects the London Traffic Area.

(3) Where a local authority propose to make an order under subsection (1) of this section, they shall cause notice of the proposal to be published in at least one newspaper circulating within their area, and every such notice shall specify the nature of the proposal and state that a copy of the draft order is open to inspection at a specified place, and specify the period, which shall not be less than twenty-eight days, within which any persons affected by the proposed order may send to the Minister and the local authority objections in writing.

(4) An order made under subsection (1) of this section shall be of no effect unless and until it is confirmed by the Minister, and the Minister before confirming any such order shall consider any objections sent as aforesaid and shall consult with the traffic commissioners for the traffic area in which the area or any part of the area of the local authority is situate.

(5) The Minister may confirm an order made under subsection (1) of this section either without modification or subject to such modifications as he thinks fit, or may refuse to confirm the order.

(6) An order made and confirmed under subsection (1) of this section unless previously revoked shall remain in operation for three years, but may be renewed from time to time for a like period, and may at any time be altered or revoked by an order made in like manner and subject to the like provisions as the original order.

(7) The confirmation of an order under subsection (1) of this section shall be evidence that the requirements of this section have been complied with.

(8) In this section " local authority "—

(*a*) as respects England and Wales, means as regards a county borough or a non-county borough or urban district having a population according to the last census for the time being of over twenty thousand, and any other non-county borough or urban district or any rural district the council of which the Minister may by order declare to be a local authority for the purposes of this section, the council of the borough or district, and as regards any other area the council of the county;

(*b*) as respects Scotland, means in a burgh the magistrates thereof and in a county the council thereof.

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Prohibition or restriction of use of vehicles on roads of certain classes.

**40.**—(1) The appropriate Minister may by order prohibit or restrict, subject to such exceptions and conditions as to occasional user or access to premises or otherwise as may be specified in the order, the driving of vehicles on all roads of any such class as may be specified in the order, if he is satisfied that it is desirable that such an order should be made, and may by order revoke, vary, amend or add to the provisions of such an order; but no order under this section shall have effect as respects any part of a special road on or after such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under subsection (5) of section twenty of this Act, to be the date on which it is open for use as a special road.

(2) A prohibition or restriction under this section may be imposed either generally, or in relation to any class or description of vehicle, or to the use of vehicles for any purpose, or to the weight of vehicles, whether laden or unladen.

(3) For the purposes of this section the appropriate Minister may classify roads in any manner he thinks fit having regard to their character or situation, or the nature of the traffic to which they are suited, and may determine in what class any particular road shall be included.

(4) The powers conferred by this section to make, revoke, vary, amend and add to orders shall be exercisable by statutory instrument, and a statutory instrument by which those powers are exercised shall not have effect unless and until it has been approved by a resolution of each House of Parliament.

(5) A person who drives a vehicle, or causes or permits a vehicle to be driven, in contravention of an order under this section shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

Restriction of use of heavy vehicles on weak bridges.

**41.**—(1) Where the bridge authority of a bridge over which a road passes is satisfied that the bridge is insufficient to carry vehicles of which the weights or axle weights, as hereinafter defined, exceed certain limits, the authority may by a conspicuous notice in the prescribed form placed in a proper position at each end of the bridge, prohibit the use of the bridge either—

(*a*) by any vehicle of which the weight exceeds a maximum weight specified in the notice, not being less than five tons; or

(*b*) by any vehicle of which—

(i) the weight exceeds a maximum weight so specified, not being less than five tons, or

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(ii) any axle weight exceeds a maximum axle weight so specified, not being less than three tons,

and any such notice may, as regards both weight of vehicle and axle weight, specify different maximum weights in relation to a vehicle travelling at a speed less than a speed specified in the notice, and in relation to a vehicle travelling at that speed or a greater speed.

(2) The highway authority for a road leading to a bridge shall give to the bridge authority reasonable facilities for placing on the road any such notice as aforesaid and, if the highway authority so require, the bridge authority shall erect warning notices in the prescribed form at the principal junctions of roads leading to the bridge.

(3) Before placing a restriction or prohibition under this section on the use of a bridge, other than one carrying a trunk road and repairable by the appropriate Minister, the bridge authority shall give to the appropriate Minister twenty-eight days' notice of their intention so to do with particulars of the restriction or prohibition, and the appropriate Minister shall cause a list to be kept of all restrictions or prohibitions which have been placed on the use of bridges under this section and the list shall be open to inspection by any person.

(4) For the purposes of this section—

(*a*) " weight " means weight laden;

(*b*) the weight transmitted by a vehicle to any transverse strip of the road surface five feet in breadth shall be taken as being an " axle weight " of that vehicle and, for the purposes of this paragraph, a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle; and

(*c*) " placed in a proper position " means placed in such a position either on or near the bridge, or on or near the road leading to the bridge, as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it;

(*d*) " prescribed " means prescribed by regulations made by the appropriate Minister.

(5) If, without the consent of the bridge authority, a vehicle is driven across a bridge in contravention of a notice so placed as aforesaid, any person who so drives it, or causes or permits it to be so driven, shall, without prejudice to any civil liability incurred by him in the case of damage's being caused to the bridge, be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

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If in any proceedings under this subsection the prosecutor satisfies the court that there are reasonable grounds for believing that the weight of the vehicle exceeded the maximum weight specified in the notice, or that any axle weight of the vehicle exceeded the maximum axle weight so specified, it shall lie on the defendant to prove that the weight of the vehicle or every axle weight of the vehicle, as the case may be, did not exceed such maximum weight or maximum axle weight.

(6) Any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this section, and any highway authority in whose area the bridge is situate, may at any time apply to the appropriate Minister for an order modifying or removing the restriction or prohibition.

(7) On receiving any such application as aforesaid or, in the case of a bridge carrying a trunk road, on his own initiative, the appropriate Minister may cause the bridge to be inspected, and may require the bridge authority to give to his inspector such information as to its structure and condition, and such other facilities for his investigation of the circumstances as the bridge authority may be able to give and, after considering the report of his inspector and any representations made to him by the bridge authority, may, if he thinks proper, make by statutory instrument an order modifying or removing the restriction or prohibition, or imposing different restrictions, and the bridge authority shall, within such time as may be specified in the order, cause notices to be erected complying with the order and, if the bridge authority fail to do so, the appropriate Minister may cause the notice complained of to be removed or varied, or new notices to be erected so as to comply with his order; and the expenses incurred by him in so doing shall be recoverable by him from the bridge authority and, in England or Wales, shall be so recoverable summarily as a civil debt.

(8) Where any such inspection and investigation is held, the appropriate Minister may make such order as to the payment of the costs incurred by him in connection therewith (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged thereon) by such party thereto as he thinks fit, and the appropriate Minister may certify the amount of the costs so incurred and any amount so certified and directed by the appropriate Minister to be paid by any person shall be recoverable from him, and shall be so recoverable, in England or Wales either as a debt due to the Crown or by the Minister summarily as a civil debt, and in Scotland by the Secretary of State.

For the purposes of this subsection the applicants and the bridge authority shall be treated as parties to the inspection and investigation.

(9) The appropriate Minister may at any time on an application made to him by the bridge authority, or on his own

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initiative, by order made by statutory instrument vary or revoke any order made by him under subsection (7) of this section, if he is satisfied that it is proper so to do.

Power of highway and bridge authorities to authorise carriage of excess weights on roads and bridges.

**42.**—(1) A highway authority as regards any road for the maintenance of which they are responsible, and a bridge authority as regards any bridge for the maintenance of which they are responsible, may, subject to such conditions as they think fit, grant a permit in respect of any trailer specified in the permit drawn by a heavy locomotive or a light locomotive on the road or bridge to carry weights specified in the permit notwithstanding that when conveying such weights the trailer does not comply with any regulations made by the Minister under the following provisions of this Part of this Act as to the weight laden of trailers or as to the maximum weight which may be transmitted to the road or any part thereof by trailers, and where such a permit is given it shall not, so long as the conditions, if any, attached to the permit are complied with, be an offence in the case of any such trailer to carry on that road or bridge weights authorised by the permit by reason only that the trailer when conveying them does not comply with such regulations as aforesaid:

Provided that, where a highway authority are responsible for the maintenance of a road passing over a bridge but not for the maintenance of the bridge itself, the power conferred by this section shall be exercisable by the bridge authority and not by the highway authority.

(2) In this section "highway authority" includes any person responsible for the maintenance of a road.

Removal of vehicles illegally, obstructively or dangerously parked, abandoned, or broken down.

**43.**—(1) The appropriate Minister may by regulations make provision for the removal from roads, and safe custody, or for the moving from one position on a road to another position on that or another road, of, and of the loads carried by, vehicles which have been permitted to remain at rest on a road—

(*a*) in contravention of any statutory prohibition or restriction, or

(*b*) in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such other persons, or

(*c*) in such a position or in such condition or in such circumstances as to appear to have been abandoned,

or which have broken down.

(2) Regulations under this section may provide for repealing byelaws dealing with the same subject matter as the regulations, and for suspending, while the regulations remain in force, any power of making such byelaws.

(3) Expenses payable out of a police fund reasonably incurred in the execution of duties imposed by regulations under this section shall be recoverable by or on behalf of the chief officer of police from the owner of the vehicle, and in England or Wales shall be so recoverable summarily as a civil debt, and sums so recovered shall be paid into the police fund.

In this subsection " police fund " has the same meaning as in the Police Pensions Act, 1921.

(4) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

*Pedestrian Crossings*

Schemes for establishment of pedestrian crossings on roads other than trunk roads.

**44.**—(1) A local authority may, after consultation with the chief officer of police and after giving public notice that they propose so to do, submit to the appropriate Minister a scheme containing proposals for the establishment on roads in their district (other than trunk roads), of crossings for foot passengers to be indicated in manner prescribed by regulations under section forty-six of this Act.

(2) Where, under the enactments repealed by this Act, a local authority have submitted a statement of reasons why they consider the establishment of crossings for foot passengers in their district to be unnecessary, the appropriate Minister, if it appears to him that crossings ought to be established in that district and after giving to the local authority an opportunity of making representations, may require the local authority to submit to him such a scheme as aforesaid in relation to the district.

(3) A scheme submitted under this section shall specify either the position of the proposed crossings, or the lengths of road, or the areas, in which they are to be established, and the number proposed for any length of road or area, and the appropriate Minister may, if he thinks fit, approve the scheme with or without modification.

(4) A scheme under this section may be varied from time to time, or may be revoked, by a subsequent scheme submitted and approved as aforesaid, or by an order made by statutory instrument by the appropriate Minister after giving to the local authority by whom the scheme was submitted an opportunity of making representations.

(5) It shall be the duty of the authority by whom a scheme is submitted under this section to execute any works (including the placing, erection, maintenance, alteration, and removal of marks and traffic signs) required in connection with the establishment of

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crossings in accordance with the provisions of the scheme for the time being in force, or with the indication thereof in accordance with regulations having effect under section forty-six of this Act as respects the crossings, or required in consequence of a variation or revocation of the scheme, and if the authority make default in the execution of any such works, the appropriate Minister may execute them; and the expense incurred by him in so doing shall be recoverable by him from the authority and, in England or Wales, shall be so recoverable summarily as a civil debt.

(6) In this section "local authority" means—

(*a*) as respects England and Wales, the council of a county, a borough or an urban district,

(*b*) as respects Scotland, the council of a county or the town council of a burgh which is responsible for the maintenance and management of all or any of the highways in the burgh;

and references in this section to the district of a local authority shall be construed in relation to the council of a county in England or Wales as references to the rural districts comprised in the county, and in relation to the council of a county in Scotland as references to the county together with any burgh therein other than a burgh the council of which is responsible for the maintenance and management of all or any of the highways in the burgh.

(7) Notwithstanding the last foregoing subsection, a county council in Scotland may, after consultation with the town council of any small burgh within the meaning of the Local Government (Scotland) Act, 1929, which is responsible for the maintenance and management of all or any of the highways in the burgh and is situated within the county, include in a scheme submitted under this section proposals for the establishment of crossings on classified roads in such a burgh, and such proposals shall not be included in any scheme submitted by the town council of the burgh.

(8) This section, in its application to the London Traffic Area, shall have effect subject to such adaptations as may be specified in an order made by the Minister.

Any order made for the purposes of this subsection may be varied by a subsequent order; and the powers to make orders conferred by this subsection shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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Duty of appropriate Minister to establish pedestrian crossings on trunk roads.

**45.** It shall be the duty of the appropriate Minister to establish on trunk roads such crossings for foot passengers as he considers necessary, and to execute any works (including the placing, erection, maintenance, alteration and removal of marks and traffic signs) required in connection with the establishment of those crossings.

Pedestrian crossing regulations.

**46.**—(1) The appropriate Minister may make regulations with respect to the precedence of vehicles and foot passengers respectively, and generally with respect to the movement of traffic (including foot passengers), at and in the vicinity of crossings.

(2) Without prejudice to the generality of the foregoing subsection, regulations made thereunder may be made prohibiting foot passenger traffic on the carriageway within one hundred yards of a crossing, and with respect to the indication of the limits of a crossing, or of any other matter whatsoever relating to the crossing, by marks or devices on or near the roadway or otherwise, and generally with respect to the erection of traffic signs in connection with a crossing.

(3) Different regulations may be made under this section in relation to different traffic conditions, and in particular, but without prejudice to the generality of the foregoing words, different regulations may be made in relation to crossings in the vicinity of, and at a distance from, a junction of roads, and to traffic which is controlled by the police, and by traffic signals, and by different kinds of traffic signals, and which is not controlled.

(4) Regulations may be made under this section applying only to a particular crossing or particular crossings specified in the regulations.

(5) A person who contravenes any regulations made under this section shall be liable on summary conviction to a fine not exceeding ten pounds, or in the case of a second or subsequent conviction to a fine not exceeding twenty-five pounds.

(6) In this section "crossing" means a crossing for foot passengers established by a local authority in accordance with the provisions for the time being in force of a scheme submitted and approved under section forty-four of this Act or by the appropriate Minister in the discharge of the duty imposed on him by the last foregoing section and (in either case) indicated in accordance with the regulations having effect as respects that crossing; and for the purposes of a prosecution for a contravention of any of the provisions of a regulation having effect as respects a crossing the crossing shall be deemed to be established and indicated as aforesaid unless the contrary is proved.

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*School Crossings*

Arrangements for patrolling school crossings.

**47.**—(1) Arrangements may be made by the appropriate authority for the patrolling of places where children cross roads on their way to or from school, during periods between the hours of eight in the morning and half-past five in the afternoon when children are so on their way, by persons appointed by or on behalf of the appropriate authority, other than police constables.

(2) For the purposes of the foregoing subsection in its application to England and Wales the appropriate authority shall be—

(*a*) as respects places not in the metropolitan police district, other than places in the City of London, the council of the county or county borough in which the places in question are,

(*b*) as respects places in the City of London, the Common Council of the City, and

(*c*) as respects places in the metropolitan police district, the commissioner of police of the metropolis;

and for the purposes of that subsection in its application to Scotland the appropriate authority shall be—

(i) as respects places in a county (exclusive of any large burgh, and inclusive of any small burgh, situated therein), the county council, and

(ii) as respects places in a large burgh, the town council of the burgh.

(3) The functions of the appropriate authority for the purpose of arrangements under subsection (1) of this section shall include the duty to satisfy themselves of the adequate qualifications of persons appointed to patrol, and to provide requisite training of persons to be appointed.

(4) In taking decisions as to making arrangements in England or Wales under subsection (1) of this section the council of a county, and the commissioner of police of the metropolis, shall have regard to any representations made to them or him by local authorities for localities in the county, or in the metropolitan police district, as the case may be, and in taking decisions as to making arrangements in Scotland under that subsection a county council shall have regard to any representations made to them by the council of any district or small burgh situated in that county, and the town council of a large burgh, other than a county of a city, shall have regard to any representations made to them by the education authority in whose area the burgh is situated.

(5) Any arrangements made in England or Wales under subsection (1) of this section as respects places in an area of a description mentioned in the first column of the Seventh Schedule to this Act, being arrangements made by the council mentioned

in relation to that description of area in the second column of that Schedule, may include an agreement between the council and the police authority mentioned in relation thereto in the third column of that Schedule for the performance by the police authority, on such terms as may be specified in the agreement, of such functions for the purposes of the arrangements as may be so specified, and any arrangements made in Scotland by a council under that subsection may include an agreement between the council and any other local authority whose area for any purpose comprises the place to which the arrangements relate for the performance by that other local authority, on such terms as may be specified in the agreement, of such functions for the purposes of the arrangements as may be so specified.

(6) For the purposes of any arrangements made under subsection (1) of this section by the commissioner of police of the metropolis, there shall be paid out of the metropolitan police fund such expenditure as the Secretary of State may direct to be so paid.

(7) In this section, in its application to Scotland,—

(*a*) "district", "large burgh" and "small burgh" have the same meanings respectively as in the Local Government (Scotland) Act, 1947;

(*b*) "education authority" has the same meaning as in the Education (Scotland) Act, 1946; and

(*c*) "local authority" has the same meaning as in the Local Government (Scotland) Act, 1947, save that it also includes a joint police committee within the meaning of the Police (Scotland) Act, 1956.

Stopping of vehicles at school crossings.

**48.**—(1) When between the hours of eight in the morning and half-past five in the afternoon a vehicle is approaching a place in a road where children on their way to or from school are crossing or seeking to cross the road, a school crossing patrol wearing a uniform approved by the Secretary of State shall have power, by exhibiting a prescribed sign, to require the person driving or propelling the vehicle to stop it.

(2) When a person has been required under the foregoing subsection to stop a vehicle—

(*a*) he shall cause the vehicle to stop before reaching the place where the children are crossing or seeking to cross and so as not to stop or impede their crossing; and

(*b*) the vehicle shall not be put in motion again so as to reach the place in question so long as the sign continues to be exhibited;

and a person who fails to comply with paragraph (*a*) of this subsection, or who causes a vehicle to be put in motion in

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contravention of paragraph (*b*) thereof, shall be liable on summary conviction to a fine not exceeding twenty pounds.

(3) In this section—

(*a*) " prescribed sign " means a sign of a size, colour and type prescribed by regulations made by the appropriate Minister, or, if authorisation is given by the appropriate Minister for the use of signs of a description not so prescribed, a sign of that description; and regulations under this subsection may provide for the attachment of reflectors to signs or for the illumination of signs; and

(*b*) " school crossing patrol " means a person appointed to patrol in accordance with arrangements made under the last foregoing section.

(4) For the purposes of this section—

(*a*) where it is proved that a sign was exhibited by a school crossing patrol, it shall be presumed to be of a size, colour and type prescribed, or of a description authorised, under the foregoing provisions of this section, and if it was exhibited in circumstances in which it was required by the regulations to be illuminated, to have been illuminated in the prescribed manner, unless the contrary is proved; and

(*b*) where it is proved that a school crossing patrol was wearing uniform, the uniform shall be presumed, unless the contrary is proved, to be a uniform approved by the Secretary of State.

*Street Playgrounds*

Power of local authorities to prohibit traffic on roads to be used as playgrounds.

**49.**—(1) The council of a county (other than the administrative county of London), metropolitan borough, county borough, borough or urban district shall have power, for the purpose of enabling roads within their area in respect of which they are the highway authority to be used as playgrounds for children, to make an order prohibiting or restricting, subject to such exceptions and conditions as to occasional user or otherwise as may be specified in the order, the use of any specified road by vehicles, or by vehicles of any specified class or description, either generally or on particular days or during particular hours.

(2) An order made under this section with respect to a road shall make provision for permitting reasonable access to premises situated on or adjacent to it.

(3) No order made under this section shall be of any effect unless and until it is confirmed by the appropriate Minister who, if he confirms it, may confirm it either without modification or subject to such modifications as he thinks fit, but the appropriate Minister shall not confirm an order until twenty-eight days at least have elapsed since the making of the order and, before confirming it, shall consider any objections which may have been made to him against the order and, if he thinks fit, may cause a public inquiry to be held.

(4) An order made under this section may be revoked, varied or amended by an order made in like manner as the original order.

(5) The appropriate Minister may at any time after giving notice in writing to the authority by whom an order under this section was made and after holding, if he thinks fit, a public inquiry, by statutory instrument revoke, vary or amend the order.

(6) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of an order in force under this section shall be liable on summary conviction, or in Scotland on conviction by a court of summary jurisdiction, to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

(7) The appropriate Minister may make regulations for prescribing the procedure to be followed in connection with the making of orders by a local authority under this section and the confirmation thereof and for prescribing the manner in which the authority shall publish notice of the fact that any such order has been made and confirmed and of its effect.

(8) The powers conferred by subsection (1) of this section on the councils therein mentioned shall, in Scotland, be exercisable as regards roads in a county by the county council, and as regards roads in a burgh by the town council.

Power of local authorities to make byelaws with respect to roads used as playgrounds.

**50.** A local authority by whom an order may be made under the last foregoing section shall have power, in relation to any road as respects which an order is made by them prohibiting or restricting the use of the road by vehicles, or by vehicles of any specified class or description, for the purpose of enabling the road to be used as a playground for children, to make byelaws (subject to confirmation by the appropriate Minister) authorising the use of the road for that purpose, and making provision with respect to the admission of children to the road when used as a playground, and with respect to the safety of children so using the road and their protection from injury by vehicles using the road for access to premises situated on or adjacent to it or otherwise, and generally with respect to the proper management of the road when used as a playground as aforesaid.

PART 1

*Traffic Signs*

Traffic signs.

**51.**—(1) In this Act " traffic sign " means any object or device (whether fixed or portable) for conveying, to traffic on roads or any specified description of traffic, warnings, information, requirements, restrictions or prohibitions of any description specified by regulations made by the Minister and the Secretary of State acting jointly or authorised by the appropriate Minister, and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions.

(2) Traffic signs shall be of the size, colour and type prescribed by regulations made as aforesaid except where the appropriate Minister authorises the erection or retention of a sign of another character; and for the purposes of this subsection illumination, whether by lighting or by the use of reflectors or reflecting material, or the absence of such illumination, shall be part of the type or character of a sign.

(3) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

(4) Except as provided by this Part of this Act, no traffic sign shall be placed on or near a road except—

(*a*) a notice in respect of the use of a bridge;

(*b*) a traffic sign placed, in pursuance of powers conferred by a special Act of Parliament or order having the force of an Act, by the owners or workers of a tramway, light railway, or trolley vehicle undertaking, a dock undertaking or a harbour undertaking;

(*c*) a traffic sign placed on any land by a person authorised under the following provisions of this Part of this Act to place the sign on a highway, being a sign placed on that land for a purpose for which that person is authorised to place it on a highway.

(5) Regulations under this section, or any authorisation under subsection (2) thereof, may provide that section fourteen of this Act shall apply to signs of a type specified in that behalf by the regulations, or as the case may be to the sign to which the authorisation relates.

(6) References in any enactment (including any enactment contained in this Act) to the erection or placing of traffic signs shall include references to the display thereof in any manner, whether or not involving fixing or placing.

Powers and duties of highway authorities as to placing of traffic signs.

**52.**—(1) Subject to and in conformity with such general directions as may be given by the Minister and the Secretary of State acting jointly, or such other directions as may be given by the appropriate Minister, a highway authority may cause or permit traffic signs to be placed on or near any road in their area.

(2) The appropriate Minister may give directions to a highway authority—

(*a*) for the placing of a traffic sign of any prescribed type or authorised character specified in the directions;

(*b*) for replacing a sign so specified by, or converting it into, a sign of another prescribed type or authorised character so specified.

Traffic signs for giving effect to local traffic regulations.

**53.** A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may place on a highway, or on any structure on a highway, traffic signs of any size, colour and type prescribed or authorised under section fifty-one of this Act, being signs indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be requisite for giving effect to regulations, orders or directions made or given under section fifty-two of the Metropolitan Police Act, 1839, under section twenty-two of the local Act of the second and third year of the reign of Queen Victoria, chapter ninety-four, under section twenty-one of the Town Police Clauses Act, 1847, or under section three hundred and eighty-five of the Burgh Police (Scotland) Act, 1892, or any corresponding provision contained in a local Act relating to any part of Scotland, or for giving effect to directions given under subsection (3) of section twelve of this Act.

Emergency traffic signs.

**54.**—(1) A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may place on a highway, or on any structure on a highway, traffic signs of any size, colour and type prescribed or authorised under section fifty-one of this Act, being signs indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances; and the power to place signs conferred by this subsection shall include power to maintain a sign for a period of seven days or less from the time when it was placed, but no longer.

(2) Section fourteen of this Act shall apply to signs placed in the exercise of the powers conferred by this section.

Traffic signs in connection with experimental traffic schemes in London.

**55.** For the purpose of giving notice of any prohibition, restriction or requirement imposed by regulations under section thirty-five of this Act a constable, or a person acting under the instructions (whether general or specific) of the commissioner of police of the metropolis or the commissioner of police for the City of London, may place on a highway, or on any structure on a highway, traffic signs of any size, colour and type prescribed or authorised under section fifty-one of this Act.

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Removal of traffic signs, &c.

**56.**—(1) The highway authority may by notice in writing require the owner or occupier of any land on which there is an object or device (whether fixed or portable) for the guidance or direction of persons using roads to remove it, and if a person fails to comply with such a notice the highway authority may themselves effect the removal, doing as little damage as may be; and the expense incurred by them in so doing shall be recoverable by them from the person so in default and, in England or Wales, shall be so recoverable summarily as a civil debt.

(2) The appropriate Minister may give directions to a highway authority requiring the authority to remove, or cause to be removed, any traffic sign or any such object or device as is mentioned in the foregoing subsection.

(3) After the repeal by virtue of this Act of section six of the Locomotive Act, 1861, a bridge authority shall, if so directed by the appropriate Minister, remove, or cause to be removed, any notice in respect of the use of a bridge placed under that section.

Traffic signs: default powers.

**57.**—(1) If a highway authority or bridge authority fail to comply with any direction given under subsection (2) of section fifty-two of this Act or under the last foregoing section, the appropriate Minister may himself carry out the work required by the direction; and the expense incurred by him in so doing shall be recoverable by him from the authority and, in England or Wales, shall be so recoverable summarily as a civil debt.

(2) Any such direction as aforesaid—

(*a*) if relating to a road or bridge in England or Wales, shall be enforceable on the application of the Minister by mandamus;

(*b*) if relating to a road or bridge in Scotland, shall be enforceable by order of the Court of Session on an application by the Lord Advocate under section ninety-one of the Court of Session Act, 1868.

Power to enter on land.

**58.** A highway or bridge authority or the appropriate Minister may enter any land and exercise such other powers as may be necessary for the purpose of the exercise and performance of their powers and duties of placing, replacing, converting and removing traffic signs or their powers and duties under section fifty-six of this Act.

Traffic signs: modifications as respects trunk roads.

**59.** In relation to a trunk road,—

(*a*) subsection (1) of section fifty-two of this Act shall have effect with the omission of references to directions, and

(*b*) the provisions of this Part of this Act relating to directions for the placing, replacing, conversion and removal of traffic signs, notices, objects or devices shall not apply except in relation to a bridge repairable by a person other than the appropriate Minister.

Traffic signs: modifications as respects roads where parking permitted without lights.

**60.**—(1) In relation to a road with respect to which an exemption under paragraph (*c*) of subsection (1) of section ten of the Road Transport Lighting Act, 1957, has effect (whether absolutely or subject to conditions), the power conferred by subsection (1) of section fifty-two of this Act of placing traffic signs indicating the existence of the exemption shall, if the local authority for the area in which the road is situated are not the highway authority for the road, be exercisable by the local authority with the consent of the highway authority; and the powers conferred by subsection (2) of section fifty-two and by section fifty-six of this Act of giving to the highway authority directions for the replacing of a traffic sign by, or its conversion into, a sign of another type or character or for the removal of a traffic sign or other object or device shall include power to give such directions to the local authority in relation to a traffic sign, object or device placed by them on or near any such road.

(2) In this section "local authority" means, as respects England and Wales, the council of a county borough, county district or metropolitan borough or the Common Council of the City of London, and, as respects Scotland, a county council or town council.

Traffic signs: modifications as respects cattle-grids.

**61.**—(1) As respects traffic signs relating to a cattle-grid provided in England or Wales under the Highways (Provision of Cattle-Grids) Act, 1950, or the Highways Act, 1959, for a highway not being for the purposes of the said Act of 1959 a highway maintainable at the public expense, or to a by-pass so provided for use in connection with such a cattle-grid, "highway authority" in sections fifty-two and fifty-six to fifty-eight (both inclusive) of this Act shall include the council of the county comprising the rural district, the council of the borough, or the council of the urban district, as the case may be, in which the highway is situated.

(2) As respects traffic signs relating to a cattle-grid provided in Scotland under the Highways (Provision of Cattle-Grids) Act, 1950, for a road for the maintenance or management of which no highway authority is responsible, or to a by-pass provided for use in connection with such a cattle-grid, "highway authority" in sections fifty-two and fifty-six to fifty-eight (both inclusive) of this Act shall include the appropriate authority as defined by paragraph (*b*) of subsection (8) of section one of that Act.

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Construction of references to highway authorities for purposes of sections 52 and 56 to 58.

**62.** References to a highway authority in sections fifty-two and fifty-six to fifty-eight (both inclusive) of this Act shall be construed as including references to any person responsible for the maintenance of a road.

Ministers' powers to make advances for erection, &c., of traffic signs.

**63.**—(1) The appropriate Minister may, out of moneys provided by Parliament, make advances towards any expenses incurred by a council or local authority, on whom any obligation is imposed by or under the foregoing provisions of this Part of this Act in relation to the erection, maintenance, alteration or removal of traffic signs, in the discharge of that obligation.

(2) An advance under this section may be either by way of grant or by way of loan or partly in the one way and partly in the other, and shall be upon such terms and subject to such conditions as the appropriate Minister thinks fit.

*Construction and Use of Vehicles and Equipment*

Regulation of construction, weight, equipment and use of vehicles.

**64.**—(1) The Minister may make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters:—

(*a*) the width, height and length of motor vehicles and trailers and the load carried thereby, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;

(*b*) the consumption of smoke and the emission of visible vapour, sparks, ashes and grit;

(*c*) excessive noise owing to the design or condition of a vehicle, or the loading thereof;

(*d*) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or description or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested;

(*e*) the particulars to be marked on motor vehicles and trailers;

(*f*) the towing of or drawing of vehicles by motor vehicles;

(*g*) the number and nature of brakes, and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order;

(*h*) the testing and inspection, by persons authorised by or under the regulations, of the brakes, silencers, steering gear, tyres, lighting equipment and reflectors of motor vehicles and trailers on any premises where they are, subject however to the consent of the owner of the premises;

(*i*) the appliances to be fitted for signalling the approach of a motor vehicle, or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of a motor vehicle, and the use of any such appliance, and for securing that they shall be efficient and kept in proper working order;

(*j*) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, being appliances for signalling by sound, at any times, or on or in any roads or localities, specified in the regulations;

and different regulations may be made as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances and, in the case of regulations made for the purpose specified in paragraph (*j*) of this subsection, as respects different times of the day or night and as respects roads in different localities.

(2) Subject to the provisions of this section, it shall not be lawful to use on a road a motor vehicle or trailer which does not comply with any such regulations as aforesaid, applicable to the class or description of vehicles to which the vehicle belongs, as to the construction, weight and equipment thereof; and a person who uses a motor vehicle or trailer in contravention of this subsection, or causes or permits the vehicle to be so used, shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(3) Where any such regulations as aforesaid contain provisions varying the requirements as regards the construction or weight of any class or description of vehicles, provision shall be made by the regulations for exempting for such period, not being less than five years, as may be specified therein from the provisions aforesaid any vehicle of that class or description registered under the Vehicles (Excise) Act, 1949, before the expiration of one year from the making of the regulations.

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(4) The Minister may by order authorise, subject to such restrictions and conditions as may be specified by or under the order, the use on roads—

(*a*) of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials,

(*b*) of vehicles or trailers, or types of vehicles or trailers, constructed for use outside the United Kingdom, and

(*c*) of new or improved types of motor vehicles or trailers, whether wheeled or wheelless, or of motor vehicles or trailers equipped with new or improved equipment or types of equipment;

and nothing in the foregoing provisions of this section shall prevent the use of such vehicles, trailers, or types as aforesaid in accordance with the order.

(5) The Minister may by order make provision for securing that, subject to such restrictions and conditions as may be specified by or under the order, regulations under this section shall have effect in their application to such vehicles, trailers and types thereof as are mentioned in the last foregoing subsection subject to such modifications or exceptions as may be specified in the order.

(6) Any order under this section may be varied or revoked by a subsequent order of the Minister.

(7) The powers conferred by this section on the Minister to make orders shall be exercisable by statutory instrument.

**Tests of satisfactory condition of vehicles.**

**65.**—(1) The provisions of this and the next following section shall have effect for the purpose of ascertaining whether the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment are complied with.

(2) The Minister may by regulations make provision for the examination of vehicles submitted for examination under this section and for the issue, where it is found on such an examination that the said requirements are complied with, of a certificate (hereafter in this Act referred to as a " test certificate ") that at the date of the examination the requirements were complied with in relation to the vehicle.

(3) Examinations for the purposes of this section shall be carried out by persons, not being officers of the Minister, authorised for those purposes by the Minister (in this section referred to as " authorised examiners "), by inspectors appointed by the Minister, or by inspectors appointed by any council designated by the Minister for the purposes of this section, being the council of a county, of a borough, or of a large burgh (within the meaning of the Local Government (Scotland) Act, 1947).

(4) Where a test certificate is refused, the examiner or inspector shall issue a notification of the refusal stating the grounds thereof, and a person aggrieved by the refusal or the grounds thereof may appeal to the Minister; and on any such appeal the Minister shall cause a further examination to be made and either issue a test certificate or issue such a notification as aforesaid.

(5) For the purposes of their functions under this section the Minister or a council designated for the purposes of this section may provide and maintain—

(*a*) stations where examinations under this section may be carried out, and

(*b*) apparatus for carrying out such examinations.

(6) The Minister may make regulations for the purpose of giving effect to the foregoing provisions of this section and for prescribing anything authorised by this section to be prescribed, and in particular as to—

(*a*) the authorisation of examiners, the imposition of conditions to be complied with by authorised examiners and the withdrawal of authorisations;

(*b*) the manner in which, conditions under which, and apparatus with which examinations are carried out, the maintenance of that apparatus in an efficient state, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out;

(*c*) the manner in which applications may be made for the examination of vehicles under this section, the manner in which and time within which appeals may be brought under subsection (4) of this section, the information to be supplied and documents to be produced on such an application, examination or appeal, the fees to be paid on such an application or appeal, and the repayment of the whole or a part of the fee paid on such an appeal where it appears to the Minister that there were substantial grounds for contesting the whole or part of the decision appealed against;

(*d*) the form of, and particulars to be contained in, test certificates and notifications of the refusal thereof, and the supply by the Minister of forms for such certificates and notifications and the charges to be made for the supply thereof;

(*e*) the issue of duplicates of test certificates lost or defaced and the fee to be paid for the issue thereof;

(*f*) the keeping by designated councils and authorised examiners of registers of test certificates in the prescribed form and containing the prescribed particulars,

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and the inspection of such registers by such persons and in such circumstances as may be prescribed;

(*g*) the keeping of records by designated councils and authorised examiners and the furnishing by them of returns and information to the Minister;

and regulations under this section may make different provision in relation to different cases or classes of cases.

(7) Any expenses incurred by virtue of this section by the Minister shall be defrayed out of moneys provided by Parliament and any sum received by him by virtue of this section shall be paid into the Exchequer.

Obligatory test certificates.

**66.**—(1) A person who uses on a road at any time, or causes or permits to be so used, a motor vehicle to which this section applies, and as respects which no test certificate has been issued within the appropriate period before the said time, shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(2) The motor vehicles to which this section applies at any time are those first registered under the Vehicles (Excise) Act, 1949, or the Roads Act, 1920, not less than ten years before that time:

Provided that this section shall not apply to public service vehicles adapted to carry eight or more passengers or to vehicles of such classes or descriptions as may be prescribed, and the Minister may by order made by statutory instrument provide that this section shall apply only to vehicles for the time being registered as aforesaid with such councils as may be specified in the order.

(3) The Minister may by order made by statutory instrument direct that the last foregoing subsection shall have effect with the substitution, for ten years, of such shorter period as may be specified in the order.

An order under this subsection shall not have effect unless approved by resolution of each House of Parliament.

(4) The Minister may by regulations exempt from subsection (1) of this section the use of vehicles for such purposes as may be prescribed.

(5) The Minister may by regulations exempt from subsection (1) of this section the use of vehicles in any such area as may be prescribed.

(6) The Minister may by regulations provide that where application is made for a licence under the Vehicles (Excise)

Act, 1949, for a vehicle to which this section applies, the licence shall not be granted except after either—

(*a*) the production of such evidence as may be prescribed of the granting of an effective test certificate or (if it is so prescribed) the production of such a certificate, or

(*b*) the making of such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose prescribed under subsection (4), or in an area prescribed under subsection (5), of this section.

In paragraph (*a*) of this subsection " effective test certificate " means in relation to an application for a licence for a vehicle, a test certificate relating to the vehicle and issued within the appropriate period before the date from which the licence is to be in force.

(7) In this section " appropriate period " means a period of twelve months or such shorter period as may be prescribed.

(8) For the purpose of spreading the work of issuing certificates in contemplation of a change in the length of the appropriate period, the regulations changing the length of that period may be made so as to come into operation on different days as respects vehicles first registered under either of the enactments mentioned in subsection (2) of this section at different times.

(9) Where within the appropriate period after the issue of a test certificate, but not earlier than one month before the end of that period, a further test certificate is issued as respects the same vehicle, the further certificate shall be treated for the purposes of this section as if issued at the end of the said appropriate period.

(10) In this section " prescribed" means prescribed by regulations made by the Minister.

(11) Any power conferred by this section to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke the order.

Testing of condition of vehicles on roads.

**67.**—(1) An authorised examiner may test a motor vehicle on a road for the purpose of ascertaining whether the requirements imposed by law (whether generally or at specified times or in specified circumstances) as to brakes, silencers, steering gear, tyres, and lighting equipment and reflectors are complied with as respects the vehicle, and of bringing to the notice of the driver any failure to comply with those requirements, and for the purpose of testing the vehicle the examiner may drive it; but a vehicle shall not be required to stop for a test except by a police constable in uniform.

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(2) The following persons may act as authorised examiners for the purposes of this section, that is to say a certifying officer or public service vehicle examiner appointed under Part III of this Act, a person appointed as an examiner under Part IV of this Act, a person appointed to examine and inspect public carriages for the purposes of the Metropolitan Public Carriage Act, 1869, a person appointed to act for the purposes of this section by the Minister, and a police constable authorised so to act by or under instructions of the chief officer of police.

A person appointed as aforesaid shall produce his authority to act for the purposes of this section if required to do so.

(3) On the examiner proceeding to test a vehicle under this section, the driver may elect that the test shall be deferred to a time, and carried out at a place, fixed in accordance with the Eighth Schedule to this Act, and the provisions of that Schedule shall apply accordingly:

Provided that—

(*a*) where it appears to a police constable that, by reason of an accident having occurred owing to the presence of the vehicle on a road, it is requisite that a test should be carried out forthwith, he may require it to be so carried out and, if he is not to carry it out himself, may require that the vehicle shall not be taken away until the test has been carried out; and

(*b*) where in the opinion of a police constable the vehicle is apparently so defective that it ought not to be allowed to proceed without a test's being carried out, he may require the test to be carried out forthwith.

(4) If a person obstructs an authorised examiner acting under this section, or fails to comply with a requirement of this section or the Eighth Schedule to this Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(5) In this section and in the Eighth Schedule to this Act "test" includes "inspect" or "inspection", as the case may require, and references to a vehicle include references to a trailer drawn thereby.

Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy.

**68.**—(1) Subject to the provisions of this section it shall not be lawful to sell, or to supply, or to offer to sell or supply, a motor vehicle or trailer for delivery in such a condition that the use thereof on a road in that condition would be unlawful by virtue of the provisions of subsection (2) of section sixty-four of this Act or by virtue of any provision made as respects brakes, steering gear or tyres by regulations under that section, or in such a condition, as respects lighting equipment or reflectors or the maintenance thereof, that it is not capable of being used on a road during the hours of darkness without contravention of the requirements imposed by law as to obligatory lamps or reflectors.

(2) Subject to the provisions of this section it shall not be lawful to alter a motor vehicle or trailer so as to render its condition such that the use thereof on a road in that condition would be unlawful by virtue of the provisions of the said subsection (2).

(3) If a motor vehicle or trailer is sold, supplied, offered or altered in contravention of the provisions of this section, any person who so sells, supplies, offers or alters it, or causes or permits it to be so sold, supplied, offered or altered, shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(4) A person shall not be convicted of an offence under this section in respect of the sale, supply, offer or alteration of a motor vehicle or trailer if he proves—

(*a*) that it was sold, supplied, offered or altered, as the case may be, for export from Great Britain, or

(*b*) that he had reasonable cause to believe that the vehicle or trailer 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 it might lawfully be so used, or

(*c*) in the case of a vehicle or trailer the sale, supply or offer of which is alleged to be unlawful by reason of its condition as respects lighting equipment or reflectors or the maintenance thereof, that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain during the hours of darkness until it had been put into a condition in which it might be so used during those hours without contravention of the requirements imposed by law as to obligatory lamps or reflectors.

(5) Nothing in the preceding provisions of this section shall affect the validity of a contract or any rights arising under a contract.

(6) In this section " obligatory lamps or reflectors " means, in relation to a motor vehicle or trailer, the lamps or reflectors required by law to be carried thereon while it is on a road during the hours of darkness and when it is neither drawing nor being drawn by another vehicle, except that the said expression does not, in the case of a motor vehicle, include any lamps or reflectors required to be carried by virtue of section eleven of the Road Transport Lighting Act, 1957, or, in the case of a trailer, include any lamps or reflectors so required to be carried or any lamps showing a white light to the front.

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Restriction on number of trailers drawn.

**69.**—(1) The number of trailers, if any, which may be drawn by a motor vehicle on a highway shall not exceed—

(*a*) in the case of a heavy locomotive or light locomotive, three;

(*b*) in the case of a motor tractor, one, if laden, or two, if unladen;

(*c*) in the case of a motor car or a heavy motor car, one;

or such less number as may be prescribed in relation to vehicles of the respective classes aforesaid by regulations made by the Minister, and different regulations may be made under this subsection as respects vehicles of those classes in different circumstances.

(2) For the purposes of this section the expression "trailer" shall not include a vehicle used solely for carrying water for the purposes of the drawing vehicle or an agricultural vehicle not constructed to carry a load.

(3) Where—

(*a*) a motor car or heavy motor car is, in consequence of a breakdown, being drawn by another motor vehicle, and

(*b*) a trailer is so attached to the car that part of the trailer is superimposed on the car and that, when the trailer is uniformly loaded, not less than twenty per cent. of the weight of its load is borne by the car,

then if the trailer is unladen the car and trailer shall for the purposes of this section be treated as a single trailer.

(4) If a person causes or permits a trailer to be drawn in contravention of this section he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

Regulation of brakes, bells, &c., on pedal cycles.

**70.**—(1) The Minister may make regulations for regulating the number, nature and use of brakes in the case of bicycles or tricycles, not being motor vehicles, when used on roads, and for prescribing the appliances to be fitted to such bicycles or tricycles for signalling their approach when used on roads and for securing that the riders of such bicycles or tricycles shall by means of such appliances as aforesaid give audible and sufficient warning of their approach.

(2) Regulations under this section may provide for repealing byelaws dealing with the same subject matter as the regulations, and for suspending while the regulations remain in force any power of making such byelaws.

(3) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

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Regulation of brakes on horse-drawn vehicles.

**71.**—(1) The Minister may make regulations for regulating the number, nature and use of brakes, including skid-pans and locking-chains, in the case of vehicles drawn by horses or other animals, or any class or description of such vehicles, when used on roads.

(2) Regulations under this section may be made for securing that such brakes shall be efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere.

(3) Regulations under this section may provide for repealing byelaws dealing with the same subject matter as the regulations, and for suspending while the regulations remain in force any power of making such byelaws.

(4) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

*Provisions as to Manning and Hours of Duty*

Requirements as to employment of persons to attend to locomotives and trailers.

**72.**—(1) In the case of heavy locomotives and light locomotives, two persons shall be employed in driving or attending the locomotive whilst being driven on a highway, and where any such locomotive is drawing a trailer or trailers on a highway one or more persons, in addition to the persons employed as aforesaid, shall be employed for the purpose of attending to the trailer or trailers at the rate of one such additional person for each trailer in excess of one:

Provided that this subsection shall not apply to a road roller while engaged in rolling a road.

(2) Where a motor vehicle other than a heavy locomotive or a light locomotive is drawing a trailer or trailers on a highway, one person, in addition to the driver of the vehicle, shall be carried either on the vehicle or on a trailer for the purpose of attending to the trailer or trailers.

(3) For the purposes of this section the expression "trailer" shall not include a vehicle used solely for carrying water for the purposes of the drawing vehicle or an agricultural vehicle not constructed to carry a load.

(4) If a person causes or permits a motor vehicle or trailer to be driven or drawn in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(5) The Minister may by regulations vary the requirements of this section in respect of any class or description of motor

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vehicles or any class or description of trailers, and regulations made under this subsection with respect to a class or description of vehicles may make different provision in different circumstances.

Limitation of hours of duty of certain drivers.

**73.**—(1) With a view to protecting the public against the risks which arise in cases where the drivers of motor vehicles are suffering from excessive fatigue, it is hereby enacted that it shall not be lawful in the case of:—

(*a*) a public service vehicle, or

(*b*) a heavy locomotive, light locomotive or motor tractor, or

(*c*) a motor vehicle constructed to carry goods other than the effects of passengers,

for a person to drive or cause or permit a person employed by him or subject to his orders to drive—

(i) for any continuous period of more than five hours and one half, or

(ii) for continuous periods amounting in the aggregate to more than eleven hours in any period of twenty-four hours commencing two hours after midnight, or

(iii) so that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours calculated from the commencement of any period of driving.

(2) It shall be a sufficient compliance with the provisions of paragraph (iii) of the foregoing subsection if the driver has at least nine consecutive hours for rest in any such period of twenty-four hours as is therein mentioned provided that he has an interval of at least twelve consecutive hours for rest in the next following period of twenty-four hours.

(3) If a person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months; but a person shall not be liable to be convicted under this section if he proves to the court that the contravention was due to unavoidable delay in the completion of a journey arising out of circumstances which he could not reasonably have foreseen.

(4) For the purposes of this section—

(*a*) any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half an hour in which the driver is able to obtain rest and refreshment;

(*b*) any time spent by a driver on other work in connection with a vehicle or the load carried thereby, including,

in the case of a public service vehicle, any time spent on a vehicle while on a journey in any other capacity than as a passenger, shall be reckoned as time spent in driving;

(*c*) in the case of a vehicle which is being used in the course of operations of agriculture or forestry a person shall not be deemed to be driving the vehicle or to be spending time on work in connection with the vehicle or the load carried thereby so long as the vehicle is elsewhere than on a road;

and for the purposes of the provisions of this section which relate to the number of consecutive hours for rest which a driver is to have in a specified period, time during which the driver is bound by the terms of his employment to obey the directions of his employer, or to remain on or near the vehicle, or during which the vehicle is at a place where no reasonable facilities exist for the driver to rest away from the vehicle, shall be deemed not to be time which the driver has for rest.

(5) The Minister may, on the application of a joint industrial council, conciliation board or other similar body, or on an application by any such organisation, representative of employers or workpeople in the industry, as the Minister of Labour may certify to be a proper body to make such an application, and after referring the matter to the Industrial Court for advice, by order made by statutory instrument vary the periods of time prescribed in this section, provided that he is of opinion that the variation is not likely to be detrimental to the public safety; and an order may be made under this subsection so as to have effect only as respects a particular class of public service vehicles, or only as respects public service vehicles when used in particular circumstances.

(6) Where an application is made under the last foregoing subsection as respects drivers of stage carriages when used either—

(*a*) on regular services under a road service licence to which a condition requiring the observance of a time-table is attached, or

(*b*) on regular services in respect of which no road service licence is required,

then, if it is shown to the satisfaction of the Industrial Court and of the Minister that the conditions under which the services are operated are such as to secure that the periods deemed to be continuous periods for the purposes of this section during which the vehicles are driven include times in which the drivers are able to obtain rest and refreshment, the Industrial Court, in advising on the application, and the Minister in giving his determination thereon, may have regard to those conditions.

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(7) An order made under subsection (5) of this section may be revoked or varied by a subsequent order made in like manner and subject to the like conditions.

(8) This section shall not apply to vehicles used for fire brigade or ambulance purposes.

*Road Safety Information and Road Training*

The Highway Code.

**74.**—(1) The Highway Code shall continue to have effect, subject however to revision in accordance with the next following subsection.

(2) The Minister may from time to time revise the Highway Code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.

(3) Any alterations proposed to be made in the provisions of the Highway Code on a revision thereof shall, as soon as prepared by the Minister, be laid before both Houses of Parliament, and the revised Code shall not be issued until the proposed alterations have been approved by both Houses.

(4) Subject to the last foregoing subsection, the Minister shall cause the Highway Code and every revised edition thereof to be printed and may cause copies thereof to be sold to the public at such price as he may determine.

(5) A failure on the part of a person to observe a provision of the Highway Code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

(6) In this section "the Highway Code" means the code comprising directions for the guidance of persons using roads issued and revised under section forty-five of the Road Traffic Act, 1930.

Powers of Ministers and local authorities as to giving road safety information and training.

**75.**—(1) The Minister or, in relation to Scotland, the Secretary of State or the Minister may, with the approval of the Treasury, provide for promoting road safety by disseminating information or advice relating to the use of roads.

(2) A local authority shall have power to make arrangements for the purposes of the foregoing subsection or for giving practical training to road users or any class or description of road users, and to make contributions towards the cost of arrangements for the like purposes made by other authorities or bodies.

(3) Where, not less than two months before the beginning of a financial year, the Minister on an examination of arrangements proposed to be made under the last foregoing subsection by a local authority in England or Wales, not being the council of a county or of a county or metropolitan borough, is satisfied that arrangements so made are likely to be effective and notifies the local authority that he is so satisfied, then, from the beginning of that year until a notification by the Minister to the local authority that he is no longer so satisfied takes effect, the expenditure of the county council in respect of the cost of arrangements, or of contributions, made by the county council under the last foregoing subsection shall not be chargeable on the area of the first-mentioned authority.

A notification by the Minister that he is no longer satisfied as aforesaid shall take effect at the end of the financial year in which it is given or, if it is given during the last two months of a financial year, at the end of the next following financial year.

(4) The provisions of the Ninth Schedule to this Act shall have effect for authorising the payment of travelling and other allowances in connection with arrangements made by a local authority under subsection (2) of this section.

(5) In this section "local authority" means—

(*a*) as respects England and Wales, the council of a county, a borough or an urban district, or the Common Council of the City of London,

(*b*) as respects Scotland, a county council or town council.

(6) Any expenses incurred under this section by the Minister or the Secretary of State shall be defrayed out of moneys provided by Parliament.

Power of Ministers to subsidise bodies, other than local authorities, for giving road safety information and training.

**76.** The Minister or, in relation to Scotland, the Secretary of State or the Minister may, with the approval of the Treasury, make out of moneys provided by Parliament contributions towards the cost of any such arrangements as are mentioned in subsection (2) of the last foregoing section, being arrangements made by authorities or bodies other than local authorities within the meaning of that section.

*Accidents*

Duty to stop, and furnish particulars, in case of accident.

**77.**—(1) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby personal injury is caused to a person other than the driver of that motor vehicle or damage is caused to a vehicle other than that motor vehicle or a trailer drawn thereby or to an animal other than an animal in or on that motor vehicle or a trailer drawn thereby, the driver of the motor vehicle shall stop and, if required so to do by any

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person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle.

(2) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a police station or to a police constable as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.

(3) In this section "animal" means any horse, cattle, ass, mule, sheep, pig, goat or dog.

(4) A person who fails to comply with this section shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

General provisions as to accident inquiries.

**78.**—(1) Where an accident arises out of the presence of a motor vehicle on a road, the appropriate Minister may direct inquiry to be made into the cause of the accident.

(2) Where any such accident has occurred, a person authorised by the appropriate Minister in that behalf may, on production if so required of his authority, inspect any vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time any premises where the vehicle is; and if a person obstructs a person so authorised in the performance of his duty under this subsection, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(3) If in any case the appropriate Minister considers that an inquiry to be made by him under this section should be made by means of the holding of a public inquiry, he may direct a public inquiry to be held.

(4) A report made by or to the appropriate Minister as the result of an inquiry under this section shall not be used in evidence by or on behalf of a person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

Special provisions as to accident inquiries in London Traffic Area.

**79.**—(1) Where, owing to the presence of a vehicle on a road, an accident occurs within the London Traffic Area and it appears to the Minister that the sole or a contributory cause of the accident was—

(*a*) the nature or character of the road or of the road surface, or

(*b*) a defect in the design or construction of the vehicle or in the materials used in the construction of the road or vehicle,

he may, if he thinks fit, cause an inquiry to be held into the cause of the accident.

(2) In this section " road " includes a highway and a bridge carrying a highway and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not.

Inquests on road deaths in London Traffic Area.

**80.**—(1) Where an accident occurs within the London Traffic Area resulting in the death of a person, and it is alleged that the accident was due to—

(*a*) the nature or character of a road or road surface; or

(*b*) a defect in the design or construction of a vehicle or in the materials used in the construction of a road or vehicle;

the coroner holding inquiry into the cause of death shall send to the Minister, or to such officer of the Ministry of Transport as the Minister may direct, notice in writing of the time and place of holding the inquest, and of the adjourned inquest; and an officer appointed by the Minister for the purpose shall be at liberty at any such inquest to examine any witness, subject nevertheless to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question.

(2) In this section " road " has the same meaning as in the last foregoing section.

*Parking Places (General Provisions): off Highways or without Payment on Highways*

Power of local authorities outside London to provide parking places.

**81.**—(1) Where for the purpose of relieving or preventing congestion of traffic it appears to a local authority in England or Wales outside the administrative county of London, or in Scotland, to be necessary to provide within their district suitable parking places for vehicles, the local authority may in accordance with the provisions of this section provide such parking places (whether above or below ground and whether or not consisting of or including buildings) together with means of entrance to and egress therefrom, or may by order authorise the use as a parking place of any part of a street within their district, not being a street within the London Traffic Area.

(2) No order under the foregoing subsection shall—

(*a*) authorise the use of any part of a street so as unreasonably to prevent access to any premises adjoining the street or the use of the street by any person entitled to the use thereof, or so as to be a nuisance; or

(*b*) be made in respect of any part of a street without the consent of the authority or person responsible for the maintenance of the street.

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(3) The local authority may adapt for use as, or for providing means of entrance to, or egress from, a parking place any land acquired or appropriated by them for the purposes of this section, and may, with the consent of the authority or person responsible for the maintenance of a street, adapt any part of it for the purpose of providing means of entrance to or egress from a parking place.

(4) Where a local authority propose to acquire any land for the purposes of this section or to utilise any land appropriated by them for those purposes or to make an order under this section authorising the use as a parking place of any land forming part of a street, they shall, before carrying the proposal into effect—

(*a*) cause notice of the proposal (specifying the land to which it relates and notifying the date, which shall not be less than twenty-eight days, within which any objection to the proposal shall be sent in writing to the local authority) to be published in at least one newspaper circulating within their district and a copy of the notice to be posted for not less than fourteen days on the land; and

(*b*) consider any objection which is sent to them in writing within the time fixed in that behalf, and give notice of their decision on the objection to the person by whom it was made;

and a notice under paragraph (*a*) of this subsection shall include notice of the right of appeal under the next following subsection and so, in England and Wales, shall a notice under paragraph (*b*) of this subsection.

(5) If a person is aggrieved by any such decision as aforesaid he may within twenty-one days after receiving notice thereof,—

(*a*) where the decision is that of a local authority in England or Wales, appeal therefrom to a magistrates' court (which shall have power to make such order in the matter as it considers reasonable);

(*b*) where the decision is that of a local authority in Scotland, appeal therefrom to the sheriff;

and where a person appeals under paragraph (*a*) of this subsection he shall give notice of the appeal and of the grounds thereof to the clerk to the local authority by which the decision was made, and nothing shall be done by the local authority to carry into effect the proposal to which that decision relates until the determination or abandonment of the appeal.

(6) A local authority may appoint with or without remuneration such officers and servants as may be necessary for the superintendence of parking places.

(7) A local authority in England or Wales may make byelaws (subject to confirmation by the Secretary of State), and a local authority in Scotland may make regulations, as to the use of

parking places, and in particular as to the vehicles or class of vehicles which may be entitled to use any such parking place, as to the conditions upon which any such parking place may be used, and as to the charges to be paid to the local authority in connection with the use of any parking place not being part of a street, and a copy of any byelaws or regulations made under this subsection shall be exhibited on or near any parking place to which they relate.

(8) Sections three hundred and one to three hundred and three of the Local Government (Scotland) Act, 1947, shall apply, in like manner as they apply to byelaws made under that Act, to regulations made under the last foregoing subsection by a local authority in Scotland, and the Secretary of State shall be the confirming authority as respects such regulations.

(9) While a vehicle is within a parking place, it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire, and if a person acts in contravention of this provision he shall be liable on summary conviction to a fine not exceeding forty shillings.

(10) In England and Wales, section six (legal proceedings) of the Public Health Acts Amendment Act, 1907, shall apply to offences under any byelaw made under subsection (7) of this section and to offences under the last foregoing subsection as it applies to offences under that Act or under any byelaw made under the powers thereof, and section seven (appeals to quarter sessions) of that Act shall have effect as if references to that Act included references to this section.

(11) A local authority in England or Wales may be authorised by the Minister to purchase compulsorily land for the purposes of this section, and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to the compulsory purchase of land under this subsection as if it had been in force immediately before the commencement of that Act.

(12) The power of a local authority for the purposes of this section to acquire land with the object of providing means of entrance to and egress from a parking place includes power so to acquire with that object any right in, under or over land.

(13) A local authority in Scotland may borrow such sums as they may require for the purposes of this section.

(14) A local authority may let for use as a parking place any parking place provided by them, not being part of a street.

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(15) The exercise by a local authority of their powers under this section with respect to the use as a parking place of any part of a street shall not render them subject to any liability in respect of the loss of or damage to any vehicle or the fittings or contents of any vehicle parked in the parking place.

(16) In this section—

(*a*) "local authority" in relation to England and Wales means the council of a county borough or county district, and in relation to Scotland means a county council or town council;

(*b*) "parking place" means a place where vehicles, or vehicles of any particular class or description, may wait;

(*c*) "street", in relation to England and Wales, has the meaning assigned to it by section four of the Public Health Act, 1875;

and for the purposes of this section an underground parking place shall not be deemed to be part of a street by reason only of its being situated under a street.

(17) Any power conferred by this section to provide a parking place includes power to maintain it (if below ground) and to maintain buildings comprised in it, and to provide and maintain any cloak-room or other convenience for use in connection with it (references to a parking place in other provisions of this section being accordingly construed as including references to such a convenience).

(18) For the purposes of the Telegraph Acts, 1863 to 1954, an underground parking place situate under a street which is provided and maintained under this section shall be deemed to be a subway within the meaning of section six of the Telegraph Act, 1878.

(19) An order made under this section may be varied or revoked by a subsequent order made in like manner.

**Power to enable London local authorities to provide parking places.**

**82.**—(1) The Minister of Housing and Local Government may by order made by statutory instrument confer upon the Common Council of the City of London and upon metropolitan borough councils and, except in the City of London, upon the London County Council the like powers as, by the last foregoing section, are conferred upon the councils of county boroughs and county districts.

(2) An order under this section shall provide that the powers conferred by the order shall not be exercised except after consultation with the Minister.

(3) No such order shall confer power to authorise the use as a parking place of any part of a street except for providing means of entrance to and egress from a parking place.

(4) The powers conferred upon the London County Council under this section shall not extend to any area on or under a street repairable by the inhabitants at large except with the consent of the highway authority concerned.

(5) An order under this section may incorporate with adaptations such of the provisions of the Public Health Acts, 1875 to 1932, the Local Government Act, 1933 or the Restriction of Ribbon Development Act, 1935 (including provisions as to the compulsory acquisition of land) as may be necessary for the purpose of the application of the last foregoing section to London.

(6) An order made under this section may be varied or revoked by a subsequent order made in like manner.

Omnibus and coach stations.

**83.**—(1) Where, in pursuance of the powers conferred by section eighty-one of this Act, a local authority provide a parking place which may be used by public service vehicles, the local authority may, if they think fit,—

(*a*) by order appoint that parking place as a station for such vehicles;

(*b*) in England or Wales by regulation, and in Scotland by order, declare that subsection (9) of that section shall not apply to public service vehicles, either absolutely or to such extent as may be specified in the regulation or order.

(2) Where a parking place is appointed under this section as a station for public service vehicles the local authority may—

(*a*) with the consent of the Minister do all such things as are necessary to adapt the parking place for use as such a station, and in particular provide and maintain waiting rooms, ticket offices and lavatories, and other similar accommodation, in connection therewith;

(*b*) make reasonable charges for the use of, or let on hire to any person, any accommodation so provided; and

(*c*) make regulations as to the use of any such accommodation.

(3) A local authority shall have power to make such reasonable charges for the use of a parking place, not being part of a street, as a station for public service vehicles as may be fixed by the local authority, so however that if the public service vehicle licence holder in respect of any vehicles using the parking place as a station considers that the charges fixed are unreasonable, then, in default of agreement between the licence holder and the local authority for a reduction thereof, the charges in

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respect of those vehicles shall be such as may be determined by the Minister.

(4) Where a local authority propose to make an order under paragraph (*a*) of subsection (1) of this section, they shall cause notice of the proposal to be published in at least one newspaper circulating within their area, and every such notice shall specify the nature of the proposal and state that a copy of the draft order is open to inspection at a specified place, and specify the period, which shall not be less than twenty-eight days, within which any persons affected by the proposed order may send to the Minister and the local authority objections in writing.

(5) An order made under paragraph (*a*) of subsection (1) of this section shall be of no effect unless and until it is confirmed by the Minister, and the Minister before confirming any such order shall consider any objections sent as aforesaid, and shall consult with the commissioners for the traffic area in which the area or any part of the area of the local authority is situate.

(6) The Minister may confirm an order made under paragraph (*a*) of subsection (1) of this section either without modification or subject to such modifications as he thinks fit, or may refuse to confirm the order.

(7) The confirmation of an order under paragraph (*a*) of subsection (1) of this section shall be evidence that the requirements of this section have been complied with.

(8) The powers conferred on a local authority by subsections (1) and (2) of this section shall be in addition to, and not in substitution for, the powers conferred on a local authority by section eighty-one of this Act.

(9) The purposes of this section shall be purposes for which a local authority may borrow.

(10) An order made under paragraph (*b*) of subsection (1) of this section may be varied or revoked by a subsequent order made in like manner.

Provisions as to foreshore in Scotland.

**84.** Nothing in sections eighty-one and eighty-three of this Act shall authorise the execution of any works on, over or under tidal lands in Scotland below high-water mark of ordinary spring tides except in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works' being commenced have been approved by the Minister in writing under the hand of one of the secretaries or assistant secretaries of the Ministry of Transport.

*Parking Places (General Provisions): on Highways for Payment*

Provision on highways of parking places where charges made.

**85.**—(1) The Minister may by order made on the application of the local authority in accordance with the provisions of Part I of the Tenth Schedule to this Act (in this and the five next

following sections and in that Schedule referred to as a " designation order ") designate parking places on highways in the metropolitan police district or the City of London for vehicles or vehicles of any class or description specified in the order, and the local authority may make charges for vehicles left in any parking place so designated of such amount as is hereinafter specified.

(2) In determining what parking places are to be designated under this section the Minister shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which he shall have regard shall include—

(*a*) the need for maintaining the free movement of traffic, and

(*b*) the need for maintaining reasonable access to premises, and

(*c*) the extent to which parking accommodation (whether open or covered) otherwise than on highways is available in the neighbourhood or the provision thereof is likely to be encouraged there by the designation of parking places under this section.

(3) The exercise by a local authority of their functions under this section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle.

(4) In this and the four next following sections " local authority " means the council of a county borough or county district, the Common Council of the City of London or the council of a metropolitan borough, and " the local authority ", in relation to a parking place or proposed parking place on any site, means that one of the said councils in whose area the site is:

Provided that in the case of a site in a metropolitan borough—

(*a*) an application for a designation order may be made by the London County Council, and references in the Tenth Schedule to this Act to a local authority shall be construed accordingly;

(*b*) subject to the next following paragraph, the London County Council shall be the local authority if the parking place is designated by an order made on their application;

(*c*) at any time after the making of a designation order the council of the metropolitan borough and the London County Council may apply to the Minister for an order directing that such one of the councils as is not the local authority shall become the local authority for that parking place, and the Minister may, if he thinks fit, make an order accordingly.

(5) If it appears to the Minister that it is expedient for the purposes of this section that, with a view to experiment or

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demonstration, parking places on highways should be designated at any sites in the metropolitan police district or the City of London, and that no application under this section for the designation thereof is forthcoming, the Minister may by order made in accordance with the provisions of Part II of the Tenth Schedule to this Act designate those parking places for vehicles or vehicles of any class or description specified in the order, and may make charges for vehicles left in any parking place so designated of such amount as is hereinafter specified; and—

(*a*) in relation to parking places designated by virtue of this subsection references in subsection (3) of this section and in the two next following sections to the local authority shall be construed as references to the Minister;

(*b*) if the Minister, with the consent of the Treasury, enters into an agreement with the local authority or the London County Council for the transfer to the authority or Council of the operation of the parking place, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, the Minister in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by the Minister) as may be so specified;

(*c*) from the taking effect of any such transfer of the operation of a parking place the order designating the parking place shall have effect subject to such modifications (if any) as the Minister may direct, being amendments appearing to him requisite in consequence of the transfer, and the provisions of this and the five next following sections shall thereafter apply as if the parking place had been designated by order made on the application of the council to which the transfer is made.

(6) An order under the last foregoing subsection shall not continue in force for longer than two years from the coming into operation thereof together with such further period (if any) not exceeding twelve months as the Minister may by order made at any time before the expiration of the order under the last foregoing subsection prescribe:

Provided that this subsection shall cease to have effect as respects any parking place on the making in relation thereto of an agreement under paragraph (*b*) of the last foregoing subsection.

(7) References in the five next following sections and the Tenth Schedule to this Act to a designation order include references to an order under subsection (5) of this section.

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(8) The Minister may by order provide that subsection (1) of this section shall apply to any such area in England or Wales, in addition to the metropolitan police district and the City of London, as may be specified in the order.

(9) The Secretary of State may by order provide that subsection (1) of this section shall apply to any such area in Scotland as may be specified in the order; and as respects any such area—

(*a*) references to the Minister in this and the five next following sections and the Tenth Schedule to this Act shall be construed as references to the Secretary of State;

(*b*) the expression "local authority" in the said provisions means a county council or a town council.

(10) Nothing in this section or an order under either of the two last foregoing subsections shall affect the operation of section thirty-four or eighty-one of this Act.

Amount of charges for parking on highways and method of payment.

**86.**—(1) The amount of the charge for a vehicle left in a parking place designated under the last foregoing section shall be calculated as follows.

(2) There shall be a prescribed standard period for each parking place and, subject as hereinafter provided, the amount of the charge for a vehicle left in the parking place for a time not exceeding the standard period (hereinafter referred to as the "initial charge") shall be such amount (hereinafter referred to as the "standard amount") as may be prescribed, and the initial charge shall be payable on the leaving of the vehicle in the parking place:

Provided that—

(*a*) if it is so prescribed, the initial charge for a vehicle left for a time not exceeding one half of the standard period shall be one half of the standard amount, and

(*b*) where the foregoing paragraph has effect, and it is further so prescribed, then if before the end of the prescribed time a further payment of one half of the standard amount is made the two payments shall be treated as a single payment of an initial charge of the standard amount made on the leaving of the vehicle.

(3) If a vehicle is left in the parking place for longer than the period for which payment was made by the initial charge, the amount of the charge shall be the amount of the initial charge together with such additional amount (hereinafter referred to as the "excess charge") as may be prescribed, and the excess charge shall be payable in such manner and at such time as may be prescribed.

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(4) If it is so provided in the designation order, there shall be apparatus of the prescribed description for indicating in the prescribed manner, as respects each space provided for the leaving of vehicles, whether the initial charge has been paid and whether the period for which payment was made by the initial charge has expired; and—

(*a*) payment of the initial charge shall be made by the insertion of coins in the apparatus and the doing of any other thing prescribed for the purpose of operating the apparatus;

(*b*) subject to the following paragraph, if at any time while a vehicle is left in the parking place the apparatus relating to the space in which it is left gives the prescribed indication, it shall be presumed unless the contrary is proved that the initial charge has been duly paid and that the period for which payment was made by the initial charge has already expired;

(*c*) if it is proved that the time for which the vehicle has been left in the parking place is less than the standard period, or, where paragraph (*a*) of the proviso to subsection (2) of this section has effect, less than half the standard period, paragraph (*b*) of this subsection shall not have effect but it shall be presumed unless the contrary is proved that the initial charge has not been duly paid for the vehicle.

(5) Where no such apparatus is in use, the designation order may provide that the initial charge shall be payable on the vehicle's being taken away from the parking place, and where such provision is made subsection (3) of this section shall apply with the substitution, for the reference to the period for which payment was made by the initial charge, of a reference to the standard period.

(6) A designation order may prescribe that the following provisions shall have effect in relation to charges for vehicles left in the parking place designated by the order in substitution for the four last foregoing subsections, that is to say,—

(*a*) the amount of the charge for a vehicle left in the parking place at any period of the day prescribed by the order shall be such amount as may be so prescribed, irrespective of the time for which the vehicle is left;

(*b*) the charge shall be payable either on the leaving of the vehicle or on its being taken away, as may be prescribed;

(*c*) if it is so prescribed, the charge shall be payable by the insertion of coins in an apparatus provided for the purpose of such description as may be prescribed and the doing of any other thing prescribed for the purpose of operating the apparatus, and, unless the contrary

is proved, the charge shall be taken to have been duly paid or not to have been duly paid as may be indicated by the apparatus in the prescribed manner.

(7) Any such apparatus as is mentioned in subsection (4) or (6) of this section is hereinafter referred to as a parking meter.

(8) Where provision is made for the use of parking meters it shall be the duty of the local authority to take the prescribed steps for the periodical inspection of the meters and for dealing with any found to be out of order, and for securing the testing of the meters (both before they are brought into use and not less frequently thereafter than may be prescribed or on other prescribed occasions), and for recording in the prescribed manner the date on which and persons by whom a meter has been tested.

General provisions for regulation of parking on highways where charges made.

**87.**—(1) A designation order shall specify whether the parking place designated thereby may be used for the leaving of vehicles at all times or between such hours only as may be specified in the order, and may provide that the parking place may be used only during a specified period of the year, or may not be used on specified days, or may be used only on such days as may be specified; and—

(*a*) as respects any time during which provision is not made by the order for the leaving of vehicles in the parking place, it shall be treated for the purposes of the last foregoing and next following sections as if it were not designated by the order, without prejudice, however, to any proceedings for an offence otherwise than under the next following section;

(*b*) where a vehicle, having been left in the parking place, remains there at the beginning of any period during which the leaving of vehicles in the parking place is authorised by the order, then without prejudice to any rights accrued or liabilities incurred in respect of anything previously done or omitted the vehicle shall be treated for the purposes of the last foregoing and next following sections as if it had been left in the parking place at the beginning of that period.

(2) A designation order may revoke the designation of any place as a parking place under section thirty-four or eighty-one of this Act, and such an order, or a regulation under the said section thirty-four containing a designation of a place as a parking place or an order under the said section eighty-one containing such a designation, may provide that the designation shall not have effect as respects any time during which provision is made under section eighty-five of this Act for the leaving of vehicles in that place.

(3) A designation order may contain provision for determining by or under the order the positions in which vehicles left in a

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parking place shall stand, and the manner in which such vehicles shall be driven into or out of, the parking place, may prohibit or restrict the waiting in a parking place, whether in the said positions or elsewhere, of other vehicles, and may contain provision for determining as aforesaid the positions in which other vehicles permitted by the order to wait in the parking place, or to wait there for any purpose specified in the order, shall wait there.

(4) A designation order may exempt from the payment of any charge vehicles left in the parking place in such circumstances as may be specified in the order, subject however to any conditions so specified.

(5) The Minister may by order provide that the time for which a vehicle may be left in a parking place designated by a designation order after the excess charge has been incurred shall not exceed such time as may be prescribed; but any such provision of an order shall be without prejudice to the liability to the excess charge.

(6) The Minister may, as respects parking places designated as aforesaid for which there is a prescribed standard period, by order provide that a vehicle which has been taken away from the place where it was left in any such parking place shall not again be left in that parking place until after the expiration of such interval as may be prescribed.

(7) The Minister may by order empower the local authority, the chief officer of police, or any other person specified by or under the order, to provide for the moving, in case of emergency, of vehicles left in a parking place, to suspend the use of a parking place or any part thereof on such occasions or in such circumstances as may be determined by or under the order, and to provide for the temporary removal of any parking meters installed at a parking place.

(8) The Minister may by order make such incidental or consequential provision as appears to him requisite for the purposes of the satisfactory operation of parking places designated by designation orders, including in particular (but without prejudice to the generality of this subsection) provision—

(*a*) for prohibiting or restricting the carrying on of trades or other activities, or the doing of any other thing, at the parking places,

(*b*) for altering the position in a parking place of vehicles left there in contravention of the provisions of an order of the Minister as to the manner in which vehicles shall stand therein, and for the removal from parking places, and safe custody, of vehicles left there in contravention of the provisions of such an order and the recovery of the cost of removal and safe custody,

(*c*) as respects any parking place for which there is a prescribed standard period, for preventing the postponement, by the insertion of additional coins in a parking meter, of the indication of the time after which the excess charge is incurred,

(*d*) for conferring on the local authority powers of acquiring (whether by purchase or hiring) and installing parking meters, of illuminating parking places, and of erecting notices or signs and carrying out work on or in the vicinity of a parking place.

Offences relating to parking places on highways where charges made.

**88.**—(1) A person who—

(*a*) being the driver of a vehicle, leaves the vehicle in a parking place designated by a designation order otherwise than as authorised by the order, or leaves the vehicle therein for longer after the excess charge has been incurred than the time prescribed under subsection (5) of the last foregoing section, or fails duly to pay any charge payable under section eighty-five of this Act, or contravenes or fails to comply with any provision of an order relating to the parking place as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place, or

(*b*) whether being the driver of a vehicle or not, otherwise contravenes or fails to comply with any order of the Minister relating to parking places designated by designation orders,

shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

(2) In relation to an offence under paragraph (*a*) of the foregoing subsection of leaving a vehicle for longer after the excess charge has been incurred than the time prescribed under subsection (5) of the last foregoing section, or failing duly to pay any charge payable under section eighty-five of this Act, the reference in the said paragraph (*a*) to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time it was left in the parking place.

(3) A person who, with intent to defraud, interferes with a parking meter or operates or attempts to operate a parking meter by the insertion of objects other than current coins of the appropriate denomination shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) Where, in any proceedings in England and Wales for an offence under this section of failing to pay any charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the

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payment of the sum not paid, and any sum ordered to be paid by virtue of this subsection shall be recoverable as a penalty.

(5) In any proceedings for an offence under this section it shall be assumed, unless the contrary is shown, that any apparatus provided in a parking place, being an apparatus operated by the insertion of coins, is of the prescribed description.

(6) Where in any proceedings for an offence under this section of failing to pay an excess charge it is not proved that the excess charge had become due, but is proved that the initial charge has not been paid, the defendant may be convicted of an offence under this section of failing to pay the initial charge.

(7) In England or Wales a local authority may institute proceedings for an offence under this section in connection with a parking place for which they are the local authority.

Financial provisions relating to exercise of powers under section 85.

**89.**—(1) A local authority shall keep an account of their income and expenditure in respect of parking places designated by designation orders for which they are the local authority.

(2) At the end of each financial year any deficit in the account shall be made good out of the general rate fund and any surplus shall be applied for all or any of the purposes specified in the next following subsection, and in so far as not so applied shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to the carrying out thereof:

Provided that if the local authority so determine, any amount not applied in any financial year may instead of being or remaining appropriated as aforesaid be carried forward in the account kept under subsection (1) of this section to the next financial year, but shall not be carried forward from one quadrennial period to another without the consent of the Minister.

(3) The said purposes are the following, that is to say:—

(*a*) the making good to the general rate fund of any amounts charged to that fund under the last foregoing subsection in the four years immediately preceding the financial year in question;

(*b*) meeting all or any part of the cost of the provision and maintenance by the local authority of parking accommodation for vehicles otherwise than on highways and whether in the open or under cover;

(*c*) the making to other local authorities, to any county council, or, with the consent of the Minister, to other persons, of contributions towards the cost of the provision and maintenance by them in the area of the

local authority or elsewhere of parking accommodation for vehicles otherwise than on highways and whether in the open or under cover.

(4) This section shall apply to the London County Council with the substitution, for references to the general rate fund, of references to the county fund.

(5) In this section "quadrennial period" means, in relation to a local authority, a period beginning with the date when the local authority first keep the account required by subsection (1) of this section and ending with the fourth complete financial year after that date, or a period of four years beginning immediately after the expiration of a quadrennial period.

Provisions supplementary to sections 85 to 89.

**90.**—(1) In the provisions of sections eighty-five to eighty-nine of this Act "prescribed" means prescribed by order of the Minister.

(2) Anything authorised or required by the said provisions to be prescribed or to be done by order of the Minister may, save as otherwise expressly required, be prescribed or done either by a designation order or by a general order.

(3) Any power to make an order conferred by the said provisions shall be exercisable by statutory instrument.

(4) An order under subsection (8) or (9) of section eighty-five of this Act shall not have effect unless approved by resolution of each House of Parliament.

(5) A statutory instrument embodying any order under the provisions of sections eighty-five to eighty-nine of this Act other than subsections (8) and (9) of the said section eighty-five shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) The power to make any such order as is mentioned in this section shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke the order.

(7) Any expenses incurred by the Minister by virtue of subsection (5) of section eighty-five of this Act shall be defrayed out of moneys provided by Parliament, and any sums received by him by virtue of that subsection shall be paid into the Exchequer.

*Parish Parking Places for Bicycles and Motor Cycles*

Power of parish councils to provide parking places for bicycles and motor cycles.

**91.**—(1) Where for the purpose of relieving or preventing congestion of traffic or preserving local amenities it appears to a parish council in England or Wales to be necessary to provide within the parish suitable parking places for bicycles and motor-cycles, the parish council may provide and maintain such parking places in accordance with the provisions of this section, and for that purpose (or for the purpose of providing means of

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entrance to and egress from any parking place provided under this section) may—

(*a*) utilise and adapt any land purchased by the council for the purpose or appropriated for the purpose under subsection (2) of this section ; or

(*b*) subject to the provisions of the next following section, adapt and by order authorise the use of any part of a road within the parish ;

and the power under this subsection to provide and maintain parking places shall include power to provide and maintain structures for use as parking places.

(2) Notwithstanding anything in any other enactment, a parish council may, with the consent of the Minister of Housing and Local Government, appropriate for the purpose of providing a parking place under this section—

(*a*) any part of a recreation ground provided or maintained by the council under section eight of the Local Government Act, 1894 ;

(*b*) any part of an open space controlled or maintained by the council under the Open Spaces Act, 1906, other than a part which has been consecrated as a burial ground or in which burials have taken place ;

(*c*) any part of any land provided by the council as a playing field or for any other purpose under section four of the Physical Training and Recreation Act, 1937 :

Provided that any part so appropriated shall not exceed one-eighth of the total area of the recreation ground, open space or land concerned, or eight hundred square feet, whichever is the less.

(3) No order under subsection (1) of this section shall authorise the use of any part of a road as a parking place under this section so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to use it, or so as to be a nuisance.

(4) Where a parish council propose to purchase or appropriate any land for the purposes of this section, or to make an order under this section authorising the use of any part of a road for those purposes, they shall, before carrying that proposal into effect,—

(*a*) cause a notice of the proposal (specifying the land to which it relates) to be published in at least one newspaper circulating within their parish, and a copy of the notice to be posted for not less than fourteen days on the land ; and

(*b*) consider any objection which is sent to them in writing within such time (not being less than twenty-eight days) after the publication of the notice as may be specified therein, and give notice of their decision on the objection to the person by whom it was made;

and every notice under paragraph (*b*) of this subsection shall include notice of the right of appeal under the next following subsection.

(5) If a person is aggrieved by any such decision as aforesaid, he may within twenty-one days after notice of the decision is given under the last foregoing subsection appeal therefrom by way of complaint to a magistrates' court, and the court may make such order in the matter as it considers reasonable; and where a person appeals under this subsection he shall give notice of the appeal and of the grounds thereof to the chairman of the parish council by which the decision was made, and nothing shall be done by the parish council to carry into effect the proposal to which that decision relates until the determination or abandonment of the appeal.

(6) A parish council may employ with or without remuneration such persons as may be necessary for the superintendence of parking places provided by the council under this section.

(7) A parish council may make byelaws (subject to confirmation by the Secretary of State) as to the use of parking places provided under this section, and in particular as to the conditions upon which any such parking place may be used and as to the charges to be paid to the council in connection with the use of any parking place not being part of a road; and a copy of any byelaws made under this subsection shall be exhibited on or near every parking place to which they relate.

(8) A parish council may let for use as a parking place any parking place provided by them (not being part of a road) under this section; but (without prejudice to any power of a parish council under any other enactment to let a playing field or other land of which a parking place forms part) no single letting under this subsection shall be for a longer period than seven days.

(9) The exercise by a parish council of their powers under this section with respect to the use as a parking place of any part of a road shall not render them subject to any liability in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle parked in such a parking place.

(10) An order made under this section may be varied or revoked by a subsequent order made in like manner.

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Provisions as to consents for purposes of section 91.

**92.**—(1) A parish council shall not have power by virtue of the last foregoing section to provide a parking place—

(*a*) in a position obstructing or interfering with any existing access to any land or premises not forming part of a road, except with the consent of the owner and the occupier of the land or premises ; or

(*b*) in a road which is not a highway or in a public path, except with the consent of the owner and the occupier of the land over which the road or path runs ; or

(*c*) in any such situation or position as is described in the first column of the following Table, except with the consent of the persons described in relation thereto in the second column of that Table.

TABLE

| | |
|---|---|
| In a trunk road or any other road maintained by the Minister or on land abutting on any such road. | The Minister. |
| In a road which is a highway (other than a trunk road or a road maintained as aforesaid or a public path) or on land abutting on any such road. | The county council. |
| In a road which is a highway belonging to and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of those undertakers. | The undertakers concerned. |
| On a bridge carrying a highway over a railway, dock, harbour, canal or inland navigation, or on the approaches to any such bridge or under a bridge carrying a railway, canal or inland navigation over a highway. | The railway, dock, harbour, canal or inland navigation undertakers concerned. |

(2) Any consent required by paragraph (*c*) of subsection (1) of this section shall not unreasonably be withheld, but may be given subject to any reasonable conditions, including a condition that the parish council shall remove any thing to the provision of which the consent relates either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

(3) A dispute between a parish council and a person whose consent is required under paragraph (*c*) of subsection (1) of this section whether that consent is unreasonably withheld or is given

subject to reasonable conditions, or whether the removal of any thing to the provision of which the consent relates in accordance with any condition of the consent is reasonably required, shall—

(*a*) in the case of a dispute between the parish council and the Minister, be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers; and

(*b*) in any other case, be referred to and determined by the Minister, who may cause a public inquiry to be held for the purpose.

(4) Section six of the Local Government (Miscellaneous Provisions) Act, 1953 (which makes provision as to access to telegraphic lines, sewers, pipe-subways, pipes, wires and other apparatus) shall apply in relation to a parking place (including a structure for use as a parking place) provided by a parish council under section ninety-one of this Act, and to the council by which the parking place is so provided, as it applies in relation to a shelter or other accommodation provided, and to the local authority by which it is provided, under section four of that Act.

(5) In this section and in the said section six as they apply in relation to a parking place provided under section ninety-one of this Act which forms part of a road, references to removal shall be construed as including references to the suspension or revocation of the order authorising the use of that part of the road as a parking place.

Provisions ancillary to exercise of powers under section 91.

**93.**—(1) A parish council may contribute towards—

(*a*) the reasonable expenses incurred by any person in doing anything which by virtue of section ninety-one of this Act that council has power to do; and

(*b*) the expenses incurred by any other parish council in exercising their powers under that section.

(2) Where before the seventeenth day of July, nineteen hundred and fifty-seven, a parish council have provided anything which could be provided by them under section ninety-one of this Act or where, before the date of coming into operation of this section (whether before or after the said seventeenth day of July) or on or after the date of coming into operation of this section, any other person has provided any such thing, the parish council shall have the like power to maintain that thing as if it had been provided by them under the said section ninety-one.

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(3) Without prejudice to any other power of combination, a parish council may by agreement combine with any other parish council for the purpose of exercising the powers conferred by section ninety-one of this Act.

Application of sections 91 to 93 to boroughs included in rural districts.

**94.** The three last foregoing sections shall apply to the council of a borough included in a rural district as they apply to a parish council, and in their application to the council of a borough so included references therein to the parish shall be construed as references to the borough.

Interpretation of sections 91 to 94.

**95.** In the four last foregoing sections, except so far as the context otherwise requires,—

"in" in a context referring to things in a road includes a reference to things under, over, across, along or upon the road;

"owner" has the meaning assigned to it by section three hundred and forty-three of the Public Health Act, 1936;

"parish" in relation to a common parish council acting for two or more grouped parishes, means those parishes;

"public path" has the meaning assigned to it by section twenty-seven of the National Parks and Access to the Countryside Act, 1949;

"road" means a highway (including a public path) and any other road, lane, footway, square, court, alley or passage (whether a thoroughfare or not) to which the public has access, but does not include a road provided or to be provided in pursuance of a scheme made or having effect as if made under section eleven of the Highways Act, 1959.

*Parking of Vehicles in Royal Parks*

Power to provide for charges for parking in Royal Parks.

**96.** Regulations under section two of the Parks Regulation (Amendment) Act, 1926, may make provision for imposing and recovering charges for the leaving of vehicles, or vehicles of any class or description, in any park to which that Act applies; and regulations made by virtue of this section may make, as respects charges and penalties recoverable under the regulations, provision corresponding with the provisions of subsection (4) of section eighty-eight of this Act.

## PART II

### MINIMUM AGE FOR DRIVING MOTOR VEHICLES AND LICENSING OF DRIVERS THEREOF

#### *Minimum Age for Driving*

Minimum age for driving.

**97.**—(1) A person shall not drive on a road a motor vehicle of a class or description specified in the first column of the following Table if he is under the age specified in relation thereto in the second column of that Table.

TABLE

| *Class or description of motor vehicle* | *Age* |
|---|---|
| 1. Motor cycle or invalid carriage ... ... | 16 |
| 2. Motor car ... ... ... ... ... | 17 |
| 3. Tractor used primarily for work on land in connection with agriculture ... ... | 17 |
| 4. Heavy locomotive, light locomotive, motor tractor or heavy motor car, but not including such a tractor as is mentioned in paragraph 3 ... ... ... ... ... | 21 |

(2) Regulations may provide that in relation to motor cycles or, if it is so prescribed by the regulations, in relation to motor cycles of a class or description so prescribed, the foregoing table shall have effect as if it specified such minimum age, not being less than sixteen years, as may be so prescribed:

Provided that a person shall not be prohibited by virtue of regulations having effect by virtue of this subsection from driving motor cycles of any class or description if at any time before the coming into force of the regulations he has held a licence, other than a provisional licence, authorising him to drive that class or description of motor cycles or if at the time of the coming into force of the regulations he holds a provisional licence.

#### *Driving Licences*

Drivers of motor vehicles to have driving licences.

**98.**—(1) A person shall not drive on a road a motor vehicle of any class or description unless he is the holder of a licence authorising him to drive a motor vehicle of that class or description.

(2) A person shall not employ a person to drive on a road a motor vehicle of any class or description unless the person employed is the holder of a licence authorising him to drive a motor vehicle of that class or description.

(3) A person who acts in contravention of subsection (1) or (2) of this section shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or

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subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(4) Notwithstanding the foregoing provisions of this section, a person may, without holding a licence, act as steersman of a motor vehicle, being a vehicle on which a speed limit of five miles per hour or less is imposed by or under section twenty-four of this Act, under the orders of another person engaged in the driving of the vehicle who is licensed in that behalf in accordance with the requirements of this Part of this Act and Part V thereof, and a person may employ another person who is not the holder of a licence so to act.

Tests of competence to drive.

**99.**—(1) Subject to the provisions of this Part of this Act as to provisional licences, a licence authorising the driving of motor vehicles of any class or description shall not be granted to a person unless he satisfies the licensing authority either—

(*a*) that at some time during the period of ten years ending on the date of coming into force of the licence applied for he has passed the test of competence to drive prescribed by virtue of the next following subsection or a test of competence which under subsection (5) of this section is a sufficient test, or

(*b*) that within the said period of ten years he has held a licence authorising the driving of vehicles of that class or description, not being a provisional licence or a licence granted by virtue of subsection (4) of this section.

(2) Regulations may make provision with respect to the nature of tests of competence to drive for the purposes of this section, to the qualifications, selection and appointment of persons by whom they may be conducted and to the revocation of any appointment, to evidence of the results thereof and generally with respect thereto, and in particular, but without prejudice to the generality of the foregoing provisions, regulations having effect by virtue of this subsection may provide—

(*a*) for requiring a person submitting himself for a test to provide a vehicle for the purposes thereof;

(*b*) for requiring a person submitting himself for a test to pay such fee, not exceeding one pound, as may be specified in the regulations;

(*c*) for ensuring that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself to another test by the same or any other person before the expiration of a period specified in the regulations except under an order made by a court or sheriff under the power conferred by the next following subsection;

and different regulations may be made with respect to tests of competence to drive different classes or descriptions of vehicles.

(3) A magistrates' court acting for the petty sessions area in which a person who has submitted himself for a test of competence to drive resides, or if he resides in Scotland, the sheriff within whose jurisdiction he resides, shall have power on the application of that person to determine whether the test was properly conducted in accordance with the regulations and, if it appears to the court or sheriff that the test was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another test before the expiration of the period specified for the purposes of paragraph (*c*) of the last foregoing subsection, and may order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

(4) Regulations may provide for dispensing, in the case of any person not resident in Great Britain, with the requirements of subsection (1) of this section.

(5) For the purposes of paragraph (*a*) of subsection (1) of this section a test of competence to drive is to be taken to be sufficient for the granting of a licence authorising the driving of vehicles of any class or description, if—

(*a*) in the case of a test passed before the first day of March, nineteen hundred and fifty-seven, it was on that day the prescribed test under section six of the Road Traffic Act, 1934, for that class or description, or the passing of the test would have authorised the granting on that day of a licence under Part I of the Road Traffic Act, 1930, comprising that class or description, or

(*b*) whenever the test was passed, the class or description is one to which at the time of the application for the licence this paragraph applied by virtue of regulations having effect by virtue of this section, or the corresponding provision of the enactments repealed by this Act applied by virtue of regulations under subsection (5) of the said section six, and the test, or any other test declared by such regulations to be equivalent thereto, was at that time the prescribed test under this section or the said section six for that class or description, or the passing of the test authorised the granting at that time of a licence under this Part of this Act or the said Part I comprising that class or description, or

(*c*) whenever the test was passed, the class or description is one which by virtue of this subsection has been comprised in a licence under this Part of this Act or the said Part I previously granted to the applicant.

Requirements as to physical fitness of drivers.

**100.**—(1) On an application for the grant of a licence the applicant shall make a declaration in the prescribed form as to whether or not he is suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such a class or

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description as he would be authorised by the licence to drive, to be a source of danger to the public.

(2) If from the declaration it appears that the applicant is suffering from any such disease or disability as aforesaid, or if on inquiry into other information the licensing authority are satisfied that the applicant is suffering from any such disease or disability, then subject to the following provisions of this section the licensing authority shall refuse to grant the licence.

(3) The last foregoing subsection shall not prevent the grant of a licence limited to driving an invalid carriage in a case in which the licensing authority are satisfied of the applicant's fitness or ability to drive such a carriage.

(4) Except in the case of such diseases and disabilities as may be prescribed, the applicant may, on payment of the prescribed fee, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorised by the licence to drive, and if he passes the prescribed test the licence shall not be refused by reason only of the provisions of subsection (2) of this section; but if the test proves his fitness or ability to drive vehicles of a particular construction or design only, the licence shall be limited to the driving of such vehicles.

(5) If, on the application for the grant of a licence, the applicant makes a declaration that on the occasion of a previous application by him a licence was granted to him after passing such a test as aforesaid or making a declaration under proviso (*c*) to subsection (2) of section five of the Road Traffic Act, 1930 (which precluded the refusal, on grounds of disease or disability of a kind falling within that paragraph, of a licence under Part I of that Act in the case of a person who, on his first application for it, declared that during the six months preceding the application he had been in the habit of driving a motor vehicle of any such class or description as he would be authorised by the licence to drive and that the disease or disability from which he suffered did not cause the driving of such a motor vehicle by him to be a source of danger to the public), a further test shall not be required unless from the declaration as to physical fitness made by him for the purposes of his application, or from information received by the licensing authority, it appears that the disease or physical disability from which the applicant is suffering has become more acute, or that the applicant is suffering from some disease or disability not disclosed on the previous occasion or contracted since that occasion.

(6) If it appears to a licensing authority that there is reason to believe that a person who holds a licence granted by them is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorised by the licence to drive, to be a source of danger to the public, and on inquiry

into the matter the authority are satisfied that he is suffering from such a disease or disability as aforesaid, then, whether or not he has previously passed a test under this section, the licensing authority may, after giving him notice of their intention so to do, revoke the licence, and he shall, on receipt of the notice, deliver the licence to the licensing authority for cancellation:

Provided that the licence holder may, except in the case of any such disease or disability as may be prescribed, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle, and if he passes the prescribed test the licence shall not be revoked.

Grant of driving licences, fees therefor, and duration thereof.

**101.**—(1) For the purposes of this Part of this Act the licensing authority is the council of the county or county borough in which the applicant for a licence resides, or if he resides in Scotland—

(*a*) the council of the county in which he resides unless he resides in such a burgh as is mentioned in the following paragraph;

(*b*) if he resides in a burgh containing within its boundary, as ascertained, fixed or determined for police purposes, a population, according to the census for the time being last taken, of or exceeding fifty thousand, the council of that burgh.

(2) Subject to the provisions of the two last foregoing sections, the licensing authority shall on payment of the appropriate fee grant a licence to a person who applies for it in the prescribed manner and who is not, and makes a declaration in the prescribed form that he is not, disqualified by reason of age or otherwise for obtaining the licence for which he is applying.

(3) Licences shall be in the prescribed form, and—

(*a*) where under the provisions of this Part of this Act the applicant is subject to a restriction with respect to the driving of a class or description of motor vehicle, the extent of the restriction shall be specified in the prescribed manner on the licence;

(*b*) except in the case of a provisional licence, shall specify whether the licence authorises the holder to drive motor vehicles of all classes or descriptions or of certain classes or descriptions only, and in the latter case shall specify the classes or descriptions of vehicles which it authorises the holder to drive.

(4) A licence shall, unless previously revoked or surrendered, remain in force for a period of three years from the date on which it is granted:

Provided that where the holder of a licence capable of remaining in force for three years surrenders it and applies under this

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section for a new licence he shall, if he so requires, be granted a licence at a reduced fee to continue in force only for the period for which the surrendered licence would have continued if not surrendered.

(5) The fee payable under subsection (2) of this section on the grant of a licence shall be fifteen shillings, and the reduced fee payable under the proviso to the last foregoing subsection shall be—

(*a*) two shillings and sixpence, if by virtue of subsection (5) of section ninety-nine of this Act the licence granted comprises a class or description of vehicles not comprised in the surrendered licence,

(*b*) five shillings in any other case.

(6) Subsections (4) and (5) of this section shall not apply to a provisional licence or to a licence granted to a person as resident outside the United Kingdom; but a licence granted as aforesaid shall, unless previously revoked or surrendered, remain in force for a period of twelve months from the date on which it is granted and the fee payable under subsection (2) of this section on the grant thereof shall be five shillings.

(7) In any proceedings the fact that a licence has been granted to a person shall be evidence that for the purpose of obtaining the licence he made a declaration that he was not disqualified for holding or obtaining the licence.

Provisional licences.

**102.**—(1) For the purpose of enabling an applicant for the grant of a licence to learn to drive a motor vehicle with a view to passing a test of competence to drive or a test of fitness to drive, the licensing authority may, if so requested by him and on payment of such fee not exceeding ten shillings as may be prescribed, grant him a provisional licence to be in force for a period of six months.

(2) A provisional licence shall be in the prescribed form and granted subject to the prescribed conditions.

(3) If a person to whom a provisional licence is granted fails to comply with any of the conditions subject to which it is granted, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or on a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(4) Where an applicant for a provisional licence holds such a licence or has held one during the period of twelve months ending on the date of coming into force of the licence applied for, and has held a previous provisional licence within the period of twelve months ending on the date of coming into force of

the last provisional licence held by him, the licensing authority may refuse to grant the licence applied for unless either—

(*a*) the applicant has submitted himself to a test of competence to drive or test of fitness to drive during the currency of the last provisional licence held by him, or

(*b*) he satisfies the licensing authority that he has reasonable cause for not having done so,

and (in either case) before the date of the application for the licence he has applied to submit himself to such a test to be taken within six months after the date of the application for the licence.

Appeal against refusal or revocation of licence.

**103.** A person who is aggrieved by the refusal under section one hundred of this Act of a licensing authority to grant a licence or by the revocation thereunder of a licence, or by the refusal under the last foregoing section of a licensing authority to grant a licence, may, after giving to the licensing authority notice of his intention so to do, appeal—

(*a*) if he resides in England or Wales, to a magistrates' court acting for the petty sessions area in which he resides,

(*b*) if he resides in Scotland, to the sheriff within whose jurisdiction he resides,

and on any such appeal the court or sheriff may make such order as it or he thinks fit and an order so made shall be binding on the licensing authority.

Disqualification on conviction of certain offences.

**104.**—(1) The court before which a person is convicted of an offence specified in the first column of the Eleventh Schedule to this Act—

(*a*) may, subject to any limitation specified in relation to that offence in the second column of that Schedule, order him to be disqualified for holding or obtaining a licence for such period as the court thinks fit;

(*b*) if the conviction is one specified in the third column of the said Eleventh Schedule as involving obligatory disqualification, shall (without prejudice to the power to order a longer period of disqualification) order him to be disqualified as aforesaid in accordance with any provisions of the said third column as to the period of disqualification, unless under those provisions it is permissible for the court to order otherwise and it so orders in accordance with those provisions.

(2) The obligation imposed by paragraph (*b*) of the foregoing subsection to order a person to be disqualified if convicted of an offence shall not apply to a conviction of aiding, abetting, counselling or procuring, or inciting to, the commission of the offence; and in the case of an offence under section two of this Act the power conferred by paragraph (*a*) of that subsection

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to order a person to be disqualified shall not be exercisable as respects such a conviction as aforesaid unless it is proved that he was present in the vehicle at the time of the commission of the offence.

(3) The court before which a person is convicted of an offence under section two or three of this Act or under subsection (1) of section six thereof may, whether he has previously passed the prescribed test of competence to drive or not and whether or not the court makes an order under subsection (1) of this section, order him to be disqualified for holding or obtaining a licence to drive a motor vehicle until he has, since the date of the order, passed that test; and a disqualification by virtue of an order under this subsection shall be deemed to have expired on production to the licensing authority of evidence in the prescribed form that the person disqualified has, since the order was made, passed that test.

Appeal against disqualification, and rule for determining end of period thereof.

**105.**—(1) A person disqualified by an order of a court for holding or obtaining a licence may appeal against the order in the same manner as against a conviction, and the court by or before which he was convicted may, if it thinks fit, pending the appeal suspend the disqualification.

(2) In determining the expiration of the period for which a person is disqualified by an order of a court made in consequence of a conviction for holding or obtaining a licence, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

Removal of disqualification.

**106.**—(1) Subject to the provisions of this section, a person who by an order of a court is disqualified for holding or obtaining a licence may apply to the court by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

(2) No application shall be made under the foregoing subsection for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the order by which the disqualification was imposed, that is to say—

(*a*) six months, if the disqualification is for less than a year,

(*b*) one half of the period of the disqualification, if it is for less than six years but not less than a year,

(*c*) three years in any other case;

and in determining the expiration of the period after which under this subsection a person may apply for the removal of a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

(3) Where an application under subsection (1) of this section is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

(4) If under this section a court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

(5) The foregoing provisions of this section shall not apply where the disqualification was imposed by order under subsection (3) of section one hundred and four of this Act.

Disqualification of persons under age.

**107.** A person who under section ninety-seven of this Act is prohibited by reason of his age from driving a motor vehicle or a motor vehicle of any class or description is disqualified for holding or obtaining a licence other than a licence authorising him to drive such motor vehicles, if any, as he is not by the said section ninety-seven forbidden to drive.

Disqualification to prevent duplication of licences.

**108.** A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class or description so long as he is the holder of another licence authorising him to drive a motor vehicle of that class or description, whether the licence is suspended or not.

Effect of disqualification.

**109.**—(1) Where the holder of a licence is disqualified by an order of a court for holding or obtaining a licence, the licence shall be suspended so long as the disqualification continues in force, and during the time of suspension shall be of no effect.

(2) A licence obtained by any person disqualified for holding or obtaining a licence shall be of no effect.

(3) Notwithstanding anything in this Part of this Act, a person disqualified by order of a court under subsection (3) of section one hundred and four of this Act shall (unless he is

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disqualified for holding or obtaining a licence otherwise than by virtue of such an order) be entitled to obtain and to hold a provisional licence to be granted (where the person disqualified is the holder of a licence, by the licensing authority by which that licence was granted) under section one hundred and two of this Act, and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted.

Offence of applying for or obtaining licence, or driving, while disqualified.

**110.** If a person disqualified for holding or obtaining a licence—

(*a*) applies for or obtains a licence while he is so disqualified, or

(*b*) while he is so disqualified drives on a road a motor vehicle, or if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description,

he shall be liable on summary conviction to imprisonment for a term not exceeding six months, or, if the court thinks that having regard to the special circumstances of the case a fine would be an adequate punishment for the offence, to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

Endorsement of licences.

**111.**—(1) The court before which a person is convicted of an offence specified in the first column of the Eleventh Schedule to this Act may order that particulars of the conviction shall be endorsed on any licence held by him; and particulars of a conviction so endorsed may be produced as prima facie evidence of the conviction.

(2) Where the court orders a person to be disqualified for holding or obtaining a licence, the court shall exercise the power conferred by the foregoing subsection, and the particulars to be endorsed on the licence shall include particulars of the disqualification.

(3) Where the conviction is one specified in the fourth column of the Eleventh Schedule to this Act as involving obligatory endorsement, then without prejudice to the last foregoing subsection the court shall exercise the power conferred by subsection (1) of this section unless under the provisions of that column it is permissible for the court to order otherwise and it so orders in accordance with those provisions.

(4) An order that the particulars of a conviction or of a disqualification to which the convicted person has become subject are to be endorsed on any licence held by him shall, whether he is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain shall be so endorsed until he becomes entitled under the following provisions of this section to have a licence issued to him free from endorsement.

(5) Subject to the next following subsection, where an order is made requiring any licence held by an offender to be endorsed, then—

(*a*) if he is at the time the holder of a licence he shall, if so required by the court, produce the licence within five days or such longer time as the court may determine for the purpose of endorsement; and

(*b*) if he is not then the holder of a licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the court for the purpose of endorsement,

and a person who fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months; and a licence required to be produced by or under this subsection which is not produced within the time specified in that behalf shall be suspended from the expiration of that time until it is produced for the purpose of endorsement and during the time of suspension shall be of no effect.

(6) Paragraph (*a*) of the last foregoing subsection shall not apply where the offender is prosecuted for an offence specified in paragraph 4, 5, 6 or 22 of the Eleventh Schedule to this Act, but if in any such case, at the time of the alleged offence, he is the holder of a licence, he shall either—

(*a*) cause it to be delivered to the clerk of the court not later than the day before the date appointed for the hearing, or

(*b*) send it by registered letter duly addressed to the clerk and posted at such a time that in the ordinary course of post it would be delivered not later than that day, or

(*c*) have it with him at the hearing,

and, if he is convicted of the offence, the court may require the licence to be produced to it; and if default is made in the production of a licence pursuant to a requirement under the foregoing provisions of this subsection, the holder shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, and the licence shall be suspended from the time of the requirement until it is produced to the court and during the time of suspension shall be of no effect.

(7) On the issue of a new licence to a person, the particulars endorsed on any previous licence held by him shall be copied on to the new licence unless he has previously become entitled under the following provisions of this section to have a licence issued to him free from endorsement.

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(8) If a person whose licence has been ordered to be endorsed and who has not previously become entitled under the following provisions of this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he shall be liable—

(*a*) on conviction on indictment, to a fine or to imprisonment for a term not exceeding six months;

(*b*) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months;

and any licence so obtained shall be of no effect.

(9) Where an order has been made in respect of a person under this Part of this Act requiring the endorsement of any licence held by him he shall be entitled, either on applying for the grant of a licence or, subject to a payment of a fee of five shillings and subject to surrender of any subsisting licence, on application at any time, to have issued to him a new licence free from endorsements—

(*a*) if he has, during a continuous period of three years or upwards since the order was made, had no such order made against him, or no such order other than an order made more than one year before the date of his application and by reason only of a conviction for the offence of driving a motor vehicle at a speed exceeding a speed limit; or

(*b*) where the order was made by reason only of such a conviction as aforesaid and immediately before the order was made he was the holder of, or was entitled to have issued to him, a licence free from any endorsement or free from any endorsement except of particulars in relation to such a conviction as aforesaid, if he has during a continuous period of one year or upwards since the order was made had no order requiring endorsement made against him:

Provided that in reckoning the said continuous periods of three years and one year respectively, any period during which the applicant was by virtue of the order disqualified for holding or obtaining a licence shall be excluded.

Supplementary provisions as to disqualifications and endorsements.

**112.**—(1) Where a court orders particulars to be endorsed on a licence held by a person, or where by an order of a court a person is disqualified for holding or obtaining a licence, the court shall send notice of the order to the licensing authority by which the licence was granted and to the licensing authority in whose area that person resides, and, in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward

it to the authority by which it was granted, and that authority shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.

(2) Where on an appeal against any such order the appeal is allowed, the court by which the appeal is allowed shall send notice thereof to the licensing authority in whose area the person affected by the order resides and to the authority who issued the licence.

(3) Where a person is disqualified by order of a court under subsection (3) of section one hundred and four of this Act, then on the return to him of any licence held by him, or on the issue to him of a licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has, since the order was made, passed the prescribed test.

*Supplementary*

Regulations for purposes of Part II.

**113.** The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act, and otherwise for the purpose of carrying this Part of this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to—

(*a*) licences,

(*b*) the record to be kept of licences,

(*c*) the communication by licensing authorities to one another of particulars of licences,

(*d*) the making of any particulars with respect to any persons who are disqualified for holding or obtaining licences or whose licences are suspended or endorsed available for use by the police,

(*e*) the preventing of a person holding more than one licence,

(*f*) the facilitating of identification of holders of licences, and

(*g*) the providing for the issue of a new licence in the place of a licence lost or defaced on payment of such fee, not exceeding two shillings and sixpence, as may be prescribed;

and (except in the case of regulations made for the purposes of section ninety-seven of this Act) different regulations may be made as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.

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Destination of fees for licences, &c., under Part II.

**114.**—(1) All fees received by a licensing authority for licences under this Part of this Act shall be paid into the Exchequer in the same manner as duties levied under the Vehicles (Excise) Act, 1949, and in accordance with such directions as may be contained with respect to those duties in any Order in Council for the time being in force under that Act.

(2) Fees in respect of tests of competence to drive payable by virtue of regulations having effect by virtue of subsection (2) of section ninety-nine of this Act shall be paid to such person as may be prescribed by the regulations, and any such fees received by a person so prescribed (other than any as to which the regulations provide that they are to be paid to the person conducting the test and retained by him as remuneration) shall be paid into the Exchequer.

Interpretation of Part II.

**115.** In this Part of this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

" licence " means a licence to drive a motor vehicle granted under this Part of this Act;

" prescribed " means prescribed by regulations;

" provisional licence " means a licence granted by virtue of section one hundred and two of this Act;

" regulations " means regulations made under section one hundred and thirteen of this Act;

" test of competence to drive " means such a test conducted under section ninety-nine of this Act;

" test of fitness to drive " means a test as to a person's fitness or ability to drive, being a test conducted under section one hundred of this Act.

Provisions as to Northern Ireland drivers' licences.

**116.**—(1) If the Minister certifies that satisfactory provision is made by the law of Northern Ireland for the granting of licences to drive motor vehicles, it shall be lawful for the holder of such a licence to drive and be employed in driving in Great Britain a motor vehicle of any class or description which he is authorised by that licence to drive, and which he is not disqualified from driving under this Part of this Act, notwithstanding that he is not the holder of a licence under this Part of this Act:

Provided that any such driver shall be under the like obligation to produce such a licence as if it had been a licence granted under this Part of this Act, and the provisions of this Act as to the production of licences granted thereunder shall apply accordingly.

(2) The holder of any such licence who by an order of the court is disqualified for holding or obtaining a licence under this Part of this Act shall produce the licence so held by him

to the court within such time as the court may determine, and the court shall, on production of the licence, forward it to the Minister.

If the holder fails to produce the licence within such time as aforesaid, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(3) If the holder of any such licence is convicted of an offence, and had he been the holder of a licence under this Part of this Act the court would have ordered particulars of the conviction to be endorsed thereon, the court instead of making such an order shall send to the Minister particulars of the conviction.

## PART III

## PUBLIC SERVICE VEHICLES

### *Classification of Public Service Vehicles*

Meaning of "public service vehicle", "stage carriage", "express carriage" and "contract carriage".

**117.**—(1) For the purposes of this Act a public service vehicle is a motor vehicle used for carrying passengers for hire or reward which either—

(*a*) is carrying passengers at separate fares, or

(*b*) is not carrying passengers at separate fares but is adapted to carry eight or more passengers.

In this subsection "motor vehicle" does not include a tramcar or a trolley vehicle.

(2) For the purposes of this Act a stage carriage is a public service vehicle carrying passengers at separate fares, not being an express carriage.

(3) For the purposes of this Act an express carriage is a public service vehicle carrying passengers at separate fares none of which is less than one shilling or such greater sum as may be prescribed; and for the purposes of this subsection—

(*a*) a composite fare for more than one journey shall not be regarded as representing the aggregate of fares of any less amount, and

(*b*) no account shall be taken of any fare which is charged in the case of passengers of particular descriptions if a fare of not less than one shilling, or such greater sum as may for the time being be prescribed by virtue of the foregoing provisions of this subsection, is charged for the like service in the case of all passengers not falling within any of those descriptions.

(4) For the purposes of this Act a contract carriage is a public service vehicle not carrying passengers at separate fares.

(5) This section has effect subject to the next following section.

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Circumstances affecting classification of public service vehicles.

**118.**—(1) A vehicle carrying passengers at separate fares in circumstances in which the conditions set out in Part I, II, III or IV of the Twelfth Schedule to this Act are fulfilled shall be treated as not being a public service vehicle unless it is adapted to carry eight or more passengers.

(2) A public service vehicle carrying passengers at separate fares shall be treated as a contract carriage, and not as a stage carriage or an express carriage, when used in circumstances in which the conditions set out in either Part III or Part IV of the Twelfth Schedule to this Act are fulfilled.

(3) For the purposes of this and the last foregoing section and of the Twelfth Schedule to this Act—

(*a*) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of the person to whom the payment is made and, in the case of a transaction effected by or on behalf of a member of any association of persons (whether incorporated or not) on the one hand and the association or another member thereof on the other hand, notwithstanding any rule of law as to such transactions;

(*b*) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;

(*c*) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person's being given a right to be carried, whether for one or more journeys and whether or not the right is exercised;

(*d*) in a case where one or more passengers are being carried for hire or reward otherwise than in the course of a business of carrying passengers, the vehicle shall be treated as carrying passengers at separate fares.

(4) Notwithstanding anything in the last foregoing subsection a motor vehicle used for providing transport in pursuance of arrangements made under subsection (1) of section fifty-five of the Education Act, 1944—

(*a*) if belonging to a local education authority, shall not for the purposes of this Part of this Act be treated as carrying passengers for hire or reward;

(*b*) if not belonging to a local education authority, shall not for those purposes be treated as carrying passengers at separate fares;

by reason only of the carriage therein of a person who is charged a fare by virtue of subsection (1) of section twelve of the Education (Miscellaneous Provisions) Act, 1953.

(5) For the purposes of this Part of this Act a motor vehicle used in pursuance of subsection (1) of section one of the National Health Service (Amendment) Act, 1957, for the purpose therein mentioned shall not be treated as carrying passengers for hire or reward.

(6) For the purposes of this Part of this Act a vehicle when being used, at any time during the period of six months beginning with the first day of June in any year, for the purpose of carrying persons engaged in agricultural work to or from that work, shall be deemed not to be a public service vehicle, notwithstanding that those persons are carried for hire or reward.

*Traffic Areas and Traffic Commissioners*

Traffic areas.

**119.**—(1) For the purposes of this Part of this Act Great Britain shall be divided into the Metropolitan, Northern, Yorkshire, North-Western, West Midland, East Midland, Eastern, South Wales, Western, South-Eastern and Scottish Traffic Areas.

(2) The Minister may from time to time by order vary the provisions of this Part of this Act constituting traffic areas, either by altering the limits of an existing traffic area or by increasing or reducing the number of traffic areas or otherwise as he may think fit.

(3) An order under this section for varying the number or limits of traffic areas may contain such consequential and incidental provisions, including provisions—

(*a*) as to the effect of licences previously issued or backed, and consents previously given, by the traffic commissioners for any traffic area abolished or otherwise affected;

(*b*) as to the effect of applications for licences or consents previously made to any such traffic commissioners, as to the traffic commissioners to whom applications relating to any such area may be made between the date of the order and the date as from which the abolition of, or other change in, the area is to have effect, and as to the traffic commissioners by whom and the places at which any such application as aforesaid may be heard, either before or after the last-mentioned date;

(*c*) as to the continuance of appeals pending against decisions of the traffic commissioners for any traffic area abolished or otherwise affected; and

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(*d*) as to the recovery of any sums due, at the date as from which a traffic area is abolished, to the traffic commissioners for that area,

as appear to the Minister to be necessary or expedient in consequence of the variations of areas to be effected by the order.

(4) An order under this section may be revoked or altered by a subsequent order of the Minister.

(5) The power to make orders conferred by this section shall be exercisable by statutory instrument which shall be laid before Parliament after being made, and an order under this section shall not have effect unless and until it has been approved by a resolution of each House of Parliament.

Traffic commissioners.

**120.**—(1) For each traffic area constituted for the purposes of this Part of this Act, other than the Metropolitan Traffic Area, there shall be a body of three commissioners, to be known as traffic commissioners for the area, who shall have the power and be charged with the duty of issuing licences under this Part of this Act and shall exercise such other powers and perform such other duties as are conferred or imposed on them by or in pursuance of this Part of this Act, and subject as aforesaid shall act under the general directions of the Minister.

(2) For the Metropolitan Traffic Area there shall be a single commissioner, to be known as the traffic commissioner for the area, who shall have such powers and duties (except as regards licences to drive, or act as conductor of, public service vehicles), and act under such general directions, as aforesaid.

(3) Before the Minister gives any general directions to the traffic commissioner for the Metropolitan Traffic Area or gives to the traffic commissioners for any other traffic area any directions relating specifically to the London Traffic Area, the question of issuing the directions shall be referred to the London and Home Counties Traffic Advisory Committee.

(4) Except where the context otherwise requires, in this Act " the traffic commissioners " means the traffic commissioners for any traffic area constituted for the purposes of this Part of this Act, and references in this Act or in any other enactment to the traffic commissioners for such a traffic area include, except where the context otherwise requires, references to the traffic commissioner for the Metropolitan Traffic Area.

Appointment and terms of service of traffic commissioners outside Metropolitan Traffic Area.

**121.**—(1) The following provisions of this section shall have effect as respects the appointment and terms of service of the traffic commissioners for each traffic area other than the Metropolitan Traffic Area.

(2) The commissioners shall be appointed by the Minister.

(3) Where the Minister proposes to appoint a person to be one of the commissioners he shall, before making the appointment, require the person whom he proposes to appoint to declare

if he has any, and if so what, financial interest in any transport undertaking which carries passengers.

(4) Of the three commissioners—

(*a*) one shall be such person as the Minister thinks fit to appoint to be chairman of the commissioners,

(*b*) one shall be appointed by the Minister from a panel of persons nominated by the councils of the counties whose area, or any part of whose area, is situated in the traffic area, and

(*c*) the third shall be appointed by the Minister from a panel of persons nominated by the councils of the boroughs and urban districts whose area, or any part of whose area, is situated in the traffic area.

In the application of this subsection to Scotland for the reference to boroughs there shall be substituted references to large burghs as defined in the Local Government (Scotland) Act, 1929.

(5) For the purpose of constituting the panels mentioned in the last foregoing subsection, each of the councils concerned shall nominate one person annually as a member of the panel, and a person so nominated shall continue to be a member of the panel for one year from the date of his nomination but shall be eligible for re-nomination from time to time, and provision may be made by regulations as to the dates on which nominations to panels are to be made and as to the filling of casual vacancies.

(6) The chairman of the commissioners shall hold office during Her Majesty's pleasure, and shall be required to devote the whole of his time to the duties of his office.

(7) The chairman of the commissioners shall vacate his office on attaining the age of seventy years.

(8) A commissioner, other than the chairman, shall hold office for such term not exceeding three years as the Minister may determine at the time of his appointment and shall, if at the date on which his term of office expires his name is still included in the panel from which he was appointed, be eligible for reappointment.

(9) The Minister may remove a commissioner from his office for inability or misbehaviour.

(10) If a commissioner acquires a financial interest in a transport undertaking which carries passengers he shall, within four weeks after so doing, give notice thereof in writing to the Minister specifying the interest so acquired and the Minister, after taking the matter into consideration, may if he thinks fit declare that the commissioner has vacated his office.

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Appointment and terms of service of metropolitan traffic commissioner.

**122.**—(1) The traffic commissioner for the Metropolitan Traffic Area shall be appointed by the Minister and shall hold office during Her Majesty's pleasure.

(2) Where the Minister proposes to appoint a person to be the traffic commissioner for the Metropolitan Traffic Area he shall, before making the appointment, require the person whom he proposes to appoint to declare if he has any, and if so what, financial interest in any transport undertaking which carries passengers.

(3) The traffic commissioner for the Metropolitan Traffic Area shall vacate his office on attaining the age of seventy years.

(4) The Minister may remove the traffic commissioner for the Metropolitan Traffic Area from his office for inability or misbehaviour.

(5) If the traffic commissioner for the Metropolitan Traffic Area acquires a financial interest in a transport undertaking which carries passengers he shall, within four weeks after so doing, give notice thereof in writing to the Minister specifying the interest so acquired and the Minister, after taking the matter into consideration, may if he thinks fit declare that the commissioner has vacated his office.

Appointment and terms of service of deputies to chairmen and other traffic commissioners.

**123.**—(1) In the case of illness, incapacity or absence of a traffic commissioner, the Minister may appoint some other person to act as his deputy, so however that the person appointed to act as deputy for a traffic commissioner appointed from a panel shall be a person whose name is included in that panel.

(2) If the Minister considers that, owing to the number of applications under this Part of this Act and Part IV thereof, the duties to be performed by the traffic commissioner for the Metropolitan Traffic Area, the chairman of the traffic commissioners for any other traffic area, or any deputy appointed under the foregoing subsection to the said commissioner or any such chairman, cannot conveniently or efficiently be performed by one person, the Minister may appoint a person to act as deputy or, as the case may be, as additional deputy to the said commissioner or chairman.

(3) A person appointed under the last foregoing subsection shall be appointed upon such terms and conditions, including conditions as to the time which he is to devote to the duties of his office, as the Minister may determine, and shall act for the traffic commissioner or chairman of traffic commissioners whose deputy he is in such matters, whether arising under this Part of

this Act or Part IV thereof, as the traffic commissioner or chairman, or any deputy appointed by reason of the traffic commissioner's or chairman's illness, incapacity or absence, may from time to time direct or as the Minister may from time to time by general directions require, and for that purpose shall exercise and perform all the powers and duties of the traffic commissioner or chairman.

Traffic commissioners' staff.

**124.** Subject to the approval of the Treasury, the Minister may appoint such persons to act as officers and servants of the traffic commissioners for any traffic area as he considers requisite for the purpose of enabling them to discharge their duties under this Part of this Act.

Remuneration of traffic commissioners, deputies and staff.

**125.**—(1) There shall be paid to the traffic commissioner for the Metropolitan Traffic Area, to the chairman of the traffic commissioners for any other traffic area, and to the persons acting as officers or servants of the traffic commissioners for any traffic area, such salaries or remuneration as may be determined by the Minister with the consent of the Treasury.

(2) There shall be paid to any member, other than the chairman, of any body of traffic commissioners, and to any person appointed to act as deputy to the chairman or any other member of any body of traffic commissioners or to the traffic commissioner for the Metropolitan Traffic Area, such remuneration and such allowances, if any, as may be determined as aforesaid.

Pensions of chairmen of traffic commissioners and metropolitan traffic commissioner.

**126.** The Superannuation Acts, 1834 to 1950, shall apply to persons holding the office of chairman of the traffic commissioners for each of the traffic areas (other than the Metropolitan Traffic Area) or of traffic commissioner for the Metropolitan Traffic Area.

*Licensing of Public Service Vehicles*

Public service vehicle licences.

**127.**—(1) No person shall cause or permit a motor vehicle to be used on a road as a stage carriage, an express carriage or a contract carriage unless he is the holder of a licence (in this Part of this Act referred to as a " public service vehicle licence ") so to use the vehicle in accordance with the provisions of this Part of this Act.

(2) A licence to use a vehicle as a stage carriage shall authorise the holder to use the vehicle as an express carriage or as a contract carriage.

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(3) A licence to use a vehicle as an express carriage shall authorise the holder to use the vehicle as a contract carriage.

(4) In the case of a service of stage carriages, a licence to use a vehicle as an express carriage shall authorise the use of the vehicle on the service if the traffic commissioners for each of the traffic areas in which the vehicle is to be so used think that it may in any special circumstances, including the character of the service, properly be so used and consent in writing thereto.

(5) If a person causes or permits a vehicle to be used in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(6) The authority having power to grant a public service vehicle licence shall be the traffic commissioners for the traffic area within or from which the vehicle is, at the time of application for the licence, intended to be ordinarily operated.

(7) A public service vehicle licence may be refused or, if it has already been granted, may at any time be suspended or revoked by the traffic commissioners by whom it was granted if, having regard to the conduct of the applicant for or holder of the licence or to the manner in which the vehicle is being used, it appears to them that he is not a fit person to hold such a licence; and a licence suspended under this subsection shall during the time of suspension be of no effect.

(8) A public service vehicle licence granted by the traffic commissioners for one traffic area shall be valid in every other traffic area.

(9) A public service vehicle licence shall, unless previously revoked, continue in force for one year from the date on which it is expressed to take effect.

Certifying officers and public service vehicle examiners.

**128.**—(1) For the purpose of the provisions of this Part of this Act with respect to the certification of fitness of vehicles, the Minister may, with the approval of the Treasury, appoint such officers (in this Part of this Act referred to as "certifying officers") as he thinks fit, and those officers shall perform such duties in relation to the examination of vehicles, the issue of certificates of fitness and otherwise, as the Minister may require.

(2) The Minister shall appoint as public service vehicle examiners such persons as he considers necessary for the purpose of the inspection of public service vehicles within the several traffic areas and for the purpose of the discharge of such other duties as the Minister considers can conveniently be discharged by persons acting as such examiners, and for that purpose may, with the concurrence of the Secretary of State, make arrangements with any police authority for the appointment of members of their police force for this purpose.

In the application of this subsection to England and Wales "police authority" has the same meaning as in the Police Pensions Act, 1921, and in the application of this subsection to Scotland that expression has the same meaning as in the Police (Scotland) Act, 1956.

(3) A certifying officer or public service vehicle examiner shall at any time on production, if so required, of his authority, be entitled to enter and inspect any public service vehicle, and for that purpose may require any public service vehicle to be stopped, and may at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that a public service vehicle is kept, and if a person obstructs any such officer or examiner in the performance of his duty, or when required so to do fails to stop the vehicle, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(4) There shall be paid to or in respect of certifying officers and public service vehicle examiners such remuneration and such salaries or allowances, if any, as the Minister may, with the consent of the Treasury, determine.

Certificates of fitness, and effect thereof.

**129.**—(1) A licence to use a vehicle adapted to carry eight or more passengers as a stage carriage, express carriage or contract carriage shall not be granted unless a certificate (hereinafter referred to as a "certificate of fitness") has been issued by a certifying officer that the prescribed conditions as to fitness are fulfilled in respect of the vehicle and such a certificate is in force in respect of the vehicle.

(2) The provisions of the foregoing subsection may be extended by regulations to stage carriages and express carriages adapted to carry seven passengers or any smaller number of passengers specified in the regulations.

(3) A public service vehicle licence of any class shall not be refused on the ground that the construction or fixed equipment of the vehicle is not suitable if a certificate of fitness as a vehicle of that class has been issued and is in force in respect of the vehicle:

Provided that if the traffic commissioners are satisfied that the structure of the vehicle or the fixed equipment thereof has become defective or has been so altered as no longer to comply with the prescribed conditions as to fitness, they may refuse to grant a public service vehicle licence until a new certificate of fitness has been obtained.

(4) A certificate of fitness shall, unless previously revoked or cancelled, continue in force for seven years, or, if the certifying officer thinks fit, for such shorter period, not being less than one year, as may be specified in the certificate.

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(5) The Minister may at any time revoke a certificate of fitness, and if on the inspection of a public service vehicle it appears to the certifying officer that the vehicle does not comply with the prescribed conditions as to fitness, the officer may revoke the certificate of fitness; and where by reason of the revocation of a certificate of fitness or otherwise a vehicle ceases to be a vehicle in respect of which a certificate of fitness is in force, any licence granted in respect of that vehicle shall cease to have effect unless or until a new certificate of fitness is obtained.

Approval of type vehicles, and effect thereof.

**130.**—(1) Where the Minister is satisfied in respect of one vehicle of a particular type that the prescribed conditions as to fitness are fulfilled in respect of the vehicle, he may, on payment of the prescribed fee, approve the vehicle as a type vehicle.

(2) Where a type vehicle has been approved under this section and a declaration in the prescribed form has been made by a person authorised by the Minister in that behalf that any other vehicle conforms in design, construction and equipment with the type vehicle, the certifying officer may, after examining that other vehicle, issue a certificate in the prescribed form that the vehicle conforms to the type vehicle, and such a certificate shall for the purposes of this Part of this Act be deemed to be a certificate of fitness and shall have effect accordingly.

(3) The Minister may at any time withdraw his approval of a type vehicle, and thereupon any certificate that any other vehicle conforms to the type vehicle shall cease to have effect as a certificate of fitness.

Certificates of fitness for experimental vehicles.

**131.**—(1) Where it appears to the Minister expedient so to do for the purpose of the making of tests or trials of a vehicle or its equipment, he may by order made as respects that vehicle for the purposes of section one hundred and twenty-nine of this Act dispense with any of the prescribed conditions as to fitness specified in the order; and so long as such an order is in force—

(*a*) that section shall have effect, in relation to the vehicle to which the order relates as if, for the references in subsection (1), in the proviso to subsection (3), and in subsection (5) to the prescribed conditions as to fitness, there were substituted references to such of those conditions as are not dispensed with by the order;

(*b*) so much of subsection (4) of that section as fixes a minimum of one year for the duration of a certificate of fitness shall not have effect.

(2) An order under this section shall specify the period for which it is to continue in force, and may contain, or authorise

the imposition of, requirements, restrictions or prohibitions relating to the construction, equipment or use of the vehicle to which the order relates.

(3) An order under this section may be varied or revoked by the Minister.

(4) Where an order under this section is revoked or otherwise ceases to have effect, any certificate of fitness issued by virtue of the order shall cease to be in force.

(5) Where a certificate of fitness is issued by virtue of an order under this section and relates to a vehicle as respects which a previous certificate of fitness is in force, the previous certificate shall thereupon cease to be in force.

Notice to be given to traffic commissioners of failure in, damage to, or alteration of vehicles.

**132.**—(1) It shall be the duty of the holder of a public service vehicle licence on the happening to the vehicle in respect of which the licence was granted of any failure or damage of a nature calculated to affect the safety of the passengers or of persons using the road, as soon as may be to report the matter to the traffic commissioners for the traffic area in which the failure or damage happened.

(2) It shall be the duty of the holder of a public service vehicle licence on any alteration otherwise than by way of replacement of parts being made in the structure or fixed equipment of the vehicle forthwith to give notice of the alteration to the traffic commissioners for the traffic area in which the licence was issued.

(3) If a person fails to comply with the provisions of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

Suspension of vehicle licences for defects.

**133.**—(1) If on the inspection of a public service vehicle it appears to a certifying officer or public service vehicle examiner that the vehicle, owing to any defects therein, is or is likely to become unfit for service until the defects have been remedied, he may suspend the public service vehicle licence in respect of the vehicle:

Provided that, where in the opinion of the officer or examiner the defects are such as can be remedied within forty-eight hours, and are not defects which involve danger to the public, the suspension shall not operate before the expiration of forty-eight hours, nor shall it operate after the expiration of that time if the licensee before the expiration of that time furnishes evidence to the satisfaction of the officer or examiner that the defects have been, or are in the course of being, remedied.

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(2) Where a certifying officer or public service vehicle examiner suspends a licence under this section, he shall forthwith give notice of the suspension to the traffic commissioners who granted the licence, and to the licensee, and a suspension under this section which becomes operative shall continue in force until it is removed or ceases in accordance with the provisions hereinafter contained.

(3) Where a licence has been suspended under this section, the suspension may be removed by any certifying officer or public service vehicle examiner and where any such officer or examiner removes a suspension of a licence, he shall forthwith give notice of the removal to the traffic commissioners who granted the licence.

(4) Where a public service vehicle examiner for a traffic area refuses to remove the suspension of a public service vehicle licence, the holder of the licence may make an application to the traffic commissioners for that area to have the vehicle inspected by the certifying officer for that area, and where any such application is made, a certifying officer, on the matter being referred to him, shall, if he considers that the prescribed conditions as to fitness, or such of those conditions as are not dispensed with by an order under section one hundred and thirty-one of this Act, are fulfilled in respect of the vehicle, remove the suspension.

(5) A licence suspended under this section shall during the time of suspension be of no effect.

*Road Service Licences*

Road service licences.

**134.**—(1) Subject to the provisions of the next following section, any person applying therefor may be granted a licence (in this Act referred to as a "road service licence") to provide such a road service as may be specified therein, and a vehicle shall not be used as a stage carriage or an express carriage except under such a licence.

(2) For the purposes of this section a vehicle used as a stage carriage or an express carriage shall not be deemed to be so used under a road service licence unless it is so used by the holder of the licence and, except in so far as compliance with the provisions of the licence may have been dispensed with by the traffic commissioners for the traffic area in which the vehicle is being used, in accordance with the provisions thereof.

(3) If a person uses a vehicle or causes or permits it to be used in contravention of this section, or being the holder of a road service licence wilfully or negligently fails to comply with any of the conditions attached to the licence (other than conditions as respects which he proves that compliance therewith had been dispensed with by the traffic commissioners for the

traffic area in which the offence is alleged to have been committed) he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(4) A road service licence in respect of any route shall be required notwithstanding that the provision of a service of stage carriages or express carriages is authorised under Part V of the Road Traffic Act, 1930, or by a special Act or an order having the force of an Act.

Grant and variation of road service licences.

**135.**—(1) The authority having power to grant a road service licence is the traffic commissioners for any traffic area within which the proposed route or any part thereof is situated, but such a licence shall not authorise the use of a vehicle as a stage carriage or express carriage except in the traffic area of the commissioners granting the licence or in any other area for which the licence is backed as hereinafter provided.

(2) Traffic commissioners shall not grant a road service licence in respect of a route if it appears to them from the particulars furnished on the application for the licence that section twenty-four of this Act is likely to be contravened, and in exercising their discretion to grant or refuse a road service licence in respect of any routes and their discretion to attach conditions to any such licence shall have regard to the following matters:—

(*a*) the suitability of the routes on which a service may be provided under the licence;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services) and the co-ordination of all forms of passenger transport, including transport by rail;

and shall take into consideration any representations which may be made by persons who are already providing transport facilities along or near to the routes or any part thereof or (except as respects so much of any route as is situated in the Metropolitan Traffic Area) by the council of any county, county borough or county district in England or Wales, and any county or town council in Scotland, in whose area any of the routes or any part of any of the routes is situated.

(3) For the avoidance of doubt it is hereby declared that the matters to which traffic commissioners are to have regard in

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exercising their discretion to grant or refuse applications for road service licences do not include the duty imposed upon the British Transport Commission by paragraph (*c*) of subsection (1) of section three of the Transport Act, 1947 (which requires the Commission to provide, in such places and to such extent as may appear to them to be expedient, certain transport services).

(4) Subject to any regulations, traffic commissioners may attach to a road service licence such conditions as they may think fit with respect to the matters to which they are required to have regard under subsection (2) of this section and in particular for securing that—

(*a*) the fares shall not be unreasonable;

(*b*) where desirable in the public interest the fares shall be so fixed as to prevent wasteful competition with alternative forms of transport, if any, along the route or any part thereof or in proximity thereto;

(*c*) copies of the time-table and fare-table shall be carried and shall be available for inspection in vehicles used on the service;

(*d*) passengers shall not be taken up or shall not be set down except at specified points or shall not be taken up or shall not be set down between specified points;

and generally for securing the safety and convenience of the public.

(5) The traffic commissioners may from time to time vary in such manner as they think fit the conditions attached to a road service licence granted by them; and where the holder of such a licence makes application to the commissioners to exercise their powers under this subsection it shall be their duty to consider whether they shall exercise those powers.

(6) If, where an application has been made for a road service licence, it is represented to the traffic commissioners by a person interested in or affected by the application that it is necessary or desirable in the public interest that the commissioners should fix the minimum or maximum fares for any service which the applicant proposes to provide under the licence, the traffic commissioners may fix such fares and make it a condition of the licence that fares shall not be charged under or in excess of the minimum or maximum.

(7) The traffic commissioners, on granting a road service licence, shall send notice thereof, including particulars of the services to be provided thereunder, to the chief officer of police of every police district in which any such service is to be provided and (except where the granting authority is the commissioner for the Metropolitan Traffic Area) to the council of every county,

county borough and county district in England or Wales, and every county and town council in Scotland, in whose area any such service is to be provided.

(8) Before determining the conditions with respect to routes, stopping places or terminal points within the metropolitan police district or the City of London to be attached to a road service licence granted by him, the traffic commissioner for the Metropolitan Traffic Area shall consult with, as the case may be, the commissioner of police of the metropolis or the commissioner of police for the City of London, and if the commissioner of police consulted is dissatisfied with any condition attached to a road service licence with respect to a route, stopping place or terminal point within his police district he may appeal to the Minister, who shall make such order in the matter as he thinks fit, and an order so made by the Minister shall have effect as if it were an order made by the said traffic commissioner.

Revocation and suspension of road service licences.

**136.**—(1) A road service licence may be revoked or suspended by the traffic commissioners who granted the licence on the ground that any condition subject to which the licence was granted has not been complied with:

Provided that the commissioners shall not revoke or suspend a road service licence unless, owing to the frequency of the breach of conditions on the part of the licensee, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the commissioners are satisfied that the licence should be revoked or suspended.

(2) On revoking or suspending a road service licence the traffic commissioners shall send notice thereof to the chief officer of police of every police district in which the service to which the licence relates was provided and (except where the revoking or suspending authority is the commissioner for the Metropolitan Traffic Area) to every local authority in England or Wales, and every county and town council in Scotland, in whose area that service was provided.

(3) A road service licence suspended under this section shall during the time of suspension be of no effect.

Backing of road service licences.

**137.**—(1) A road service licence granted by the traffic commissioners for one traffic area may be backed in the prescribed manner by the traffic commissioners for another traffic area, and if so backed shall in that other area have effect as if it were a road service licence granted by them.

(2) On backing a road service licence the traffic commissioners may as respects their traffic area impose any condition which they might have imposed on granting the licence, or vary any condition attached to the licence by the commissioners by whom it was granted, and all the provisions of this Part of this Act as to

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applications for road service licences, and the granting, refusal, suspension or revocation of such licences and matters connected therewith shall apply to the backing of road service licences, subject to the modification that references in the said provisions to the traffic commissioners by whom the licence was granted shall be construed as references to the traffic commissioners by whom the licence was backed.

Provisions as to corridor areas.

**138.**—(1) Where from the particulars submitted on an application for a road service licence made to the traffic commissioners for any traffic area it appears that the applicant proposes to provide a service on a route running through another traffic area (in this section referred to as a "corridor area") in which the following conditions will be observed, that is to say—

(*a*) that passengers will not be taken up or set down therein,

(*b*) that passengers will not be permitted to alight therein for the purpose of sight-seeing, or for any other purpose requiring the vehicle to be halted for a period of more than fifteen minutes,

the commissioners may grant a licence subject to observance of those conditions, and a licence so granted shall have validity in the corridor area as if it had been backed in the prescribed manner by the traffic commissioners for the corridor area.

(2) The traffic commissioners, before granting a licence having validity under the foregoing subsection, shall consult the commissioners for the corridor area as to the route to be followed in the corridor area in connection with the provision of the service under the licence, and may attach to the licence such conditions as they may think fit with respect to the route to be followed.

Duration of road service licences.

**139.**—(1) Regulations may specify the dates in the year on which road service licences shall expire and, subject to the provisions of this section, a road service licence shall, unless previously revoked, continue in force up till and including that one of the specified dates which occurs next before the expiration of one year from the date on which the licence is expressed to take effect unless at the time of the granting of the licence the traffic commissioners for special reasons determine that it shall continue in force only up till and including an earlier date (being one of those specified), in which case it shall, unless previously revoked, continue in force only up till and including that date.

(2) If on the date of the expiration of a road service licence proceedings are pending before the traffic commissioners on an application for the grant of a new road service licence in substitution for an existing road service licence held by the applicant or for the backing of any such new licence, the existing road service licence and any backings thereon shall continue in force until the application is disposed of.

(3) Nothing in this section shall prevent the attachment to a road service licence of a condition that the service shall be limited to one or more particular periods or occasions.

(4) Regulations may direct that, as respects licences to provide a road service of a kind specified in the regulations granted after a date therein specified, subsection (1) of this section shall have effect with the substitution for the words "one year" of the words "three years".

Particulars to be provided by applicants for, and holders of, road service licences.

**140.**—(1) Every person applying for a road service licence shall submit to the traffic commissioners particulars of the type or types of vehicle to be used, and—

(*a*) in the case of regular services, the time-tables and fare-tables of the services which it is proposed to provide under the licence; and

(*b*) in any other case, such particulars as to the frequency of the services and the times to be taken on the journeys included in those services as the commissioners may require.

(2) It shall be the duty of every person who applies for or holds a road service licence to supply to the traffic commissioners within the prescribed time particulars in the prescribed form—

(*a*) of any agreement or arrangement affecting in any material respect the provision, within the area of the commissioners, of passenger transport facilities entered into by him with any other person by whom such facilities are provided, whether within or without the area;

(*b*) of any financial interest (whether as a partner or shareholder or as a result of a loan, guarantee or other financial transaction) which any other person providing passenger transport facilities or controlling (either wholly or in conjunction with any other person) the business of a person who provides such facilities has in the business of the applicant or holder of the licence and, in the case of the applicant or holder who is a company, of any right which any such person as aforesaid has to nominate any director of the company;

(*c*) of any such interest or right as aforesaid which the applicant or holder has in the business of any other person who provides passenger transport facilities within the area of the commissioners;

and if a person refuses or fails to supply within the prescribed time any particulars which he is required to supply under this subsection, or knowingly supplies any such particulars which are false in any respect, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a continuing offence to a fine not exceeding five pounds for every day during which the offence continues.

PART III *Special Provisions as to British Transport Commission's road Services in London Passenger Transport Area*

Commission to operate on approved routes in London special area.

**141.**—(1) The provisions of this Part of this Act relating to road service licences shall not apply to a road service provided by the British Transport Commission or an Executive wholly within the London special area, and, in the case of a road service provided by the Commission or an Executive partly within and partly without the London special area, shall not apply to that service in so far as it is within the London special area; but it shall not be lawful for the Commission or an Executive to use a vehicle as a stage carriage or express carriage on a road within the London special area except on a route approved by the traffic commissioner for the Metropolitan Traffic Area (in this section referred to as the "metropolitan commissioner").

(2) The metropolitan commissioner, in approving a route, may define it by reference to the streets or parts of streets which may be traversed and to the terminal points, if such points are within the London special area, and may attach to his approval conditions for securing that—

(*a*) no vehicles, except vehicles of such class or description, or vehicles used for such purposes, as may be specified in the condition, shall be used on that route;

(*b*) passengers shall not be taken up or shall not be set down except at or between specified points, or shall not be taken up or shall not be set down between specified points; and

(*c*) vehicles on reaching the end of the approved route shall turn at such places, or by using such streets or parts of streets, as may be specified;

and for the purposes of this subsection the Minister after consultation with the commissioner of police of the metropolis may give directions to the metropolitan commissioner requiring him to attach to his approval of any route specified conditions relating to the construction of vehicles to be used on the route either in the case of all routes or in the case of particular routes any part of which lies within the metropolitan police district or the City of London.

(3) The metropolitan commissioner before approving a route, or a part of a route, which lies within the metropolitan police district, or within the City of London, shall consult with the commissioner of police.

(4) If the British Transport Commission or an Executive having applied to the metropolitan commissioner for his approval of a route are aggrieved by the refusal of the commissioner to approve it, or by a condition attached by him to his approval (other than a condition attached by him in pursuance

of a direction of the Minister given under subsection (2) of this section), or if the commissioner of police is aggrieved by the approval of a route within his district or by a condition attaching to the approval (other than as aforesaid), the applicant or commissioner of police, as the case may be, may appeal to the Minister.

Upon any such appeal the Minister may approve the route, or part of the route, in question either unconditionally or subject to such conditions, whether the same conditions as those imposed by the metropolitan commissioner or not, as he may think fit, or may refuse approval, and the decision of the Minister shall have effect as if it were a decision of the metropolitan commissioner.

(5) The metropolitan commissioner, either on the application of the commissioner of police or of the British Transport Commission or an Executive or without any such application, may at any time alter an approved route or revoke his approval of a route under this section or alter or revoke a condition attached by him to his approval.

(6) If—

(*a*) the commissioner of police is aggrieved by the failure of the metropolitan commissioner to revoke an approval of a route under this section; or

(*b*) the commissioner of police or the British Transport Commission or an Executive is aggrieved by—

(i) an alteration of a route or revocation by the metropolitan commissioner of his approval of a route or the alteration or revocation of a condition attached by the metropolitan commissioner to his approval (other than a condition attached by him in pursuance of a direction of the Minister given under subsection (2) of this section); or

(ii) the failure of the metropolitan commissioner to alter an approved route or to alter or revoke a condition attached by him to his approval (other than as aforesaid);

the commissioner of police or, as the case may be, the British Transport Commission or Executive may appeal to the Minister, and upon any such appeal the Minister shall be entitled to take any action which the metropolitan commissioner might have taken in the first instance, and the decision of the Minister shall have effect as if it were the decision of the metropolitan commissioner.

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(7) If the British Transport Commission or an Executive use a vehicle in contravention of subsection (1) of this section or in using a vehicle as a stage carriage or an express carriage on a route approved under this section act in contravention of, or fail to comply with, a condition attaching to the approval, they shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds:

Provided that neither the said Commission nor an Executive shall be deemed to be acting in contravention of this section by reason only of the fact that on such special occasions and under such conditions as the metropolitan commissioner may approve, either in relation to vehicles generally or a particular class of vehicles specified by him in his approval, they are using a vehicle for the purpose of conveying passengers at separate fares to or from a specified destination.

(8) In this section "the commissioner of police" means, in relation to the metropolitan police district, the commissioner of police of the metropolis, and in relation to the City of London, the commissioner of police for the City of London.

Special provisions as to Commission's road service licences for certain routes.

**142.**—(1) In considering whether to grant or back a road service licence to the British Transport Commission or an Executive in respect of a route or part of a route which is outside the London special area but within the London Passenger Transport Area, the traffic commissioners shall, in addition to the matters specified in subsection (2) of section one hundred and thirty-five of this Act, have regard to the duty of the Commission to provide or secure the provision of an adequate and properly co-ordinated system of passenger transport for the London Passenger Transport Area.

(2) In this section "the London Passenger Transport Area" means the area defined in Part I of the Seventh Schedule to the London Passenger Transport Act, 1933.

*Appeals in connection with Licences and Certificates for Public Service Vehicles*

Appeals to the Minister in connection with public service vehicle licences, road service licences and certificates of fitness.

**143.**—(1) An applicant for the grant of a public service vehicle licence or road service licence who is aggrieved by the refusal or failure of the traffic commissioners to grant the licence, or by a condition attached by them or by their refusal to attach a condition, or by the attachment of a condition differing from that desired, may appeal to the Minister.

(2) Where the traffic commissioners entertain an application for them to exercise their powers of varying the conditions attached to a road service licence or give the prescribed

notice of a proposal that they should exercise those powers, but refuse to vary the conditions, the holder of the licence or, if they have made representations in favour of the exercise of the said powers, any of the following persons, that is to say—

(*a*) the council of any county, county borough or county district in England or Wales, or any county or town council in Scotland, in whose area the route to which the licence relates or any part of that route is situated, or

(*b*) any person providing transport facilities along or near that route or any part thereof,

may appeal to the Minister.

(3) Where a road service licence is granted—

(*a*) any local authority in England and Wales, and any county or town council in Scotland, in whose area the route to which the licence relates or any part of that route is situated, or

(*b*) any person providing transport facilities along or near that route or any part thereof,

being an authority, council or person who has made objections or other representations with respect to the grant, may, if aggrieved by the grant of the licence, by a condition attached thereto, by a refusal to attach a condition or by the attachment of a condition differing from that desired, appeal to the Minister; and where any of the conditions attached to a road service licence are varied, any such local authority, council or person as is mentioned in paragraphs (*a*) and (*b*) of this subsection, being an authority, council or person who has made objections or other representations with respect to the variation may, if aggrieved by any variation of the conditions or by any such variation's differing from that desired, appeal to the Minister.

(4) The holder of a public service vehicle licence or road service licence who is aggrieved by the revocation or suspension thereof by the traffic commissioners, or by a variation of the conditions attached thereto or by any such variation's differing from that desired, or the holder of a public service vehicle licence who is aggrieved by the refusal of a certifying officer to remove the suspension thereof, may appeal to the Minister.

(5) An applicant for or holder of a certificate of fitness who is aggrieved by the refusal of a certifying officer to issue such a certificate or by the limitation of its duration imposed by the certifying officer, or by the revocation of a certificate, may appeal to the Minister.

(6) Any right of appeal conferred by this section shall be conditional on the appeal being made within the prescribed time and in the prescribed manner.

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(7) On an appeal under this section the Minister shall have power to make such order as he thinks fit for giving effect to his decision on the appeal and any such order shall be binding upon the traffic commissioners or certifying officer.

(8) Notwithstanding the foregoing provisions of this Part of this Act as to the expiration of licences by effluxion of time, where a person who has applied for a new licence in substitution for a licence held by him and in force at the date of his application appeals to the Minister on the ground that his application has been refused, or has not been granted, the existing licence, and if that licence is a road service licence, any backing thereof, shall continue in force until the appeal has been disposed of, without prejudice, however, to the exercise in the meantime of the powers of suspension and revocation conferred by this Part of this Act.

(9) Where the holder of a road service licence appeals to the Minister against a variation of the conditions attached to that licence that variation shall not have effect until the appeal has been disposed of:

Provided that regulations relating to appeals under this section may contain provision whereby the holder of a road service licence who appeals to the Minister is enabled to exclude, wholly or partly, the operation of this subsection.

*Drivers, Conductors and Passengers*

Drivers' and conductors' licences.

**144.**—(1) A person shall not drive, or act as conductor of, a public service vehicle on a road unless he is licensed for the purpose under this section, and a person shall not employ a person who is not so licensed to drive, or act as conductor of, a public service vehicle on a road.

(2) The authority having power to grant under this section a licence to a person to drive, or act as conductor of, a public service vehicle shall be—

(*a*) where the person seeking the grant of the licence is, at the time of application therefor, resident in a traffic area other than the Metropolitan Traffic Area, the traffic commissioners for the traffic area in which he then resides;

(*b*) where the person seeking the grant of the licence is, at the time aforesaid, resident in the Metropolitan Traffic Area, the commissioner of police of the metropolis.

(3) A person shall be disqualified for obtaining a licence to drive a public service vehicle unless he is over the age of twenty-one, and for obtaining a licence to act as conductor of a public

service vehicle unless he is over the age of eighteen, and a person shall be disqualified from obtaining either such licence unless he fulfils such other conditions as may be prescribed.

(4) A licence to drive a public service vehicle may be limited to such type or types of vehicle as may be specified in the licence.

(5) A licence to drive, or act as conductor of, a public service vehicle may at any time be suspended or revoked by the authority by whom it was granted upon the ground that, by reason of his conduct or physical disability, the holder is not a fit person to hold such a licence; and a licence suspended under this subsection shall during the time of suspension be of no effect.

(6) A licence to drive, or act as conductor of, a public service vehicle shall, unless previously revoked, continue in force for three years from the date on which it is expressed to take effect.

(7) A licence granted under this section to a person resident in any traffic area shall be valid in every other traffic area.

(8) A person who contravenes subsection (1) of this section shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

Appeals to courts of summary jurisdiction in connection with drivers' and conductors' licences.

**145.**—(1) A person who, being the holder of or an applicant for a licence to drive, or act as conductor of, a public service vehicle, feels aggrieved by the refusal or failure of the traffic commissioners or the commissioner of police of the metropolis, to grant, or by the suspension or revocation of, such a licence, or by any limitation imposed thereon, may by notice in writing to the commissioners or commissioner, as the case may be, require them or him to reconsider the matter and shall on the reconsideration be entitled to be heard either personally or by his representative.

(2) A person who is so aggrieved as aforesaid or who is dissatisfied with the decision of the commissioners or commissioner on the reconsideration of the matter may appeal—

(*a*) if he resides in England or Wales, to a magistrates' court acting for the petty sessions area in which he resides,

(*b*) if he resides in Scotland, to the sheriff within whose jurisdiction he resides,

and on any such appeal the court or sheriff may make such order as it or he thinks fit and any order so made shall be binding on the commissioners or commissioner.

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(3) Where the applicant for such a licence, who is at the date of his application the holder of a licence, appeals under this section on the ground of refusal or failure to grant the licence, the existing licence shall continue in force until the appeal has been disposed of, notwithstanding the provisions of the last foregoing section as to the expiry of the licence by effluxion of time.

Regulation of conduct of drivers and conductors.

**146.**—(1) Regulations may make provision as to the conduct of persons licensed to act as drivers or conductors of public service vehicles when acting as such.

(2) If a person to whom regulations having effect by virtue of this section apply contravenes, or fails to comply with, any of the provisions of the regulations, he shall be liable on summary conviction to a fine not exceeding five pounds, and the court by which he is convicted may, if it thinks fit, cause particulars of the conviction to be endorsed upon the licence granted to that person under section one hundred and forty-four of this Act.

(3) The person who has the custody of the licence shall, if so required by the convicting court, produce the licence within a reasonable time for the purpose of endorsement, and if he fails to do so, shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

Regulation of conduct of passengers.

**147.**—(1) Regulations may make provision generally as to the conduct of passengers in public service vehicles and in particular (but without prejudice to the generality of the foregoing provision) for—

(*a*) authorising the removal from a public service vehicle of a person infringing the regulations by the driver or conductor of the vehicle or on the request of the driver or conductor by a police constable;

(*b*) requiring a passenger in a public service vehicle who is reasonably suspected by the driver or conductor thereof of contravening the regulations to give his name and address to a police constable or to the driver or conductor on demand;

(*c*) requiring a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle, and to pay the fare for the whole of that journey and to accept any ticket provided therefor;

(*d*) requiring, on demand being made for the purpose by the driver or conductor or other person authorised by the

licensee of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;

(*e*) requiring a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;

(*f*) requiring the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.

(2) If a person contravenes, or fails to comply with, a provision of regulations having effect by virtue of this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

Control of number of passengers.

**148.**—(1) Regulations may make provision with respect to public service vehicles providing for—

(*a*) the determination by or under the regulations of the number of the seated passengers and standing passengers respectively whom a vehicle is constructed or adapted and fit to carry;

(*b*) the determination by or under the regulations of the number of such passengers respectively who may be carried in a vehicle;

(*c*) the marks to be carried on a vehicle showing the numbers aforesaid and the manner in which those marks are to be carried.

(2) If a person contravenes, or fails to comply with, a provision of regulations having effect by virtue of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

*General and Supplementary*

Power of Minister to modify restrictions on use of roads by public service vehicles.

**149.**—(1) In a case where the running of public service vehicles on a road is restricted or prohibited by a local Act or order passed or made before the first day of August, nineteen hundred and thirty, the council of the county borough or county district in which the road or any part thereof is situate, or a local authority or person providing or proposing to provide a service of public service vehicles on that road or any part thereof, may apply to the Minister for an order modifying or revoking the restrictions or prohibition.

(2) The Minister, on receiving an application under this section, shall, unless he is of opinion that it is made without reasonable cause, direct a public inquiry to be held into the subject matter of the application, and shall consider the report made to him by the person holding the inquiry.

Not less than one month's notice of the inquiry shall be given to the council of the county borough or county district in which the road is situate, to the applicants, where the application is

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not made by that authority, and to every local authority or person in whose favour the restrictions or prohibition appear to the Minister to have been imposed or who, in the opinion of the Minister, are affected by the application.

(3) If as a result of the inquiry the Minister is satisfied that it is in the public interest that the restrictions or prohibition should be modified or revoked he may by statutory instrument make an order modifying or revoking them or it, and may by the order modify or revoke to such extent as appears to him to be equitable in the circumstances any obligations imposed upon any person in connection with the restrictions or prohibition.

(4) Every order made under this section shall be laid before Parliament after being made, and shall not come into force until it has been approved by both Houses.

(5) In the application of this section to Scotland, the expression "local authority" means a county or town council and for any reference to the council of a county borough or county district there shall be substituted a reference to the council of a county or burgh.

Exclusion of certain enactments as respects Metropolitan Traffic Area.

**150.**—(1) As respects the Metropolitan Traffic Area the following enactments, that is to say, sections eight and fourteen of the Metropolitan Streets Act, 1867, the Metropolitan Public Carriage Act, 1869, and the London Cab and Stage Carriage Act, 1907, shall not apply to a public service vehicle or to the driver or conductor thereof.

(2) As respects the Metropolitan Traffic Area no local authority shall exercise under the Town Police Clauses Act, 1847, as amended, extended, or applied by any subsequent enactment, any powers with respect to public service vehicles or the licensing thereof or of their drivers or conductors.

Avoidance of contracts so far as restrictive of liability in respect of death of, or injury to, passengers in public service vehicles.

**151.** A contract for the conveyance of a passenger in a public service vehicle shall, so far as it purports to negative or to restrict the liability of a person in respect of a claim which may be made against him in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

Wages and conditions of employment of persons employed in connection with public service vehicles.

**152.**—(1) The wages paid by the holder of a road service licence to persons employed by him in connection with the operation of a public service vehicle and the conditions of their employment shall not be less favourable to them than the wages which would be payable and the conditions which would have to be observed under a contract which complied with the requirement of any resolution of the House of Commons for the time being in force applicable to contracts with Government departments.

(2) Any organisation representative of the persons engaged in the road transport industry may make representations to the traffic commissioners to the effect that the wages paid to, or the conditions of employment of, any persons employed by the holder of a road service licence are not in accordance with the requirements of the foregoing subsection, and if the matter in dispute is not otherwise disposed of it shall be referred by the Minister of Labour to the Industrial Court for settlement.

(3) Where a matter is referred to the Industrial Court under the last foregoing subsection the Court, in arriving at its decision, shall have regard to any determination which may be brought to its notice relating to the wages or conditions of service of persons employed in a capacity similar to that of the persons to whom the reference relates and contained in a decision of a joint industrial council, conciliation board or other similar body, or in an agreement between organisations representative of employers and workpeople.

(4) If it is decided by the Industrial Court that a person has been guilty of a breach of the provisions of this section, he shall be liable to be dealt with in all respects as if he had failed to comply with a condition attached to his road service licence.

Procedure of traffic commissioners.

**153.**—(1) The traffic commissioners may for any purpose, if they so think fit, hold public sittings at such places as appear to them convenient.

(2) For the purpose of hearing and determining applications for the grant and backing of road service licences the traffic commissioners shall exercise their powers under the foregoing subsection, except that it shall not be obligatory on them to do so for the hearing or determination of an application for the grant or backing of a road service licence where it appears from the particulars submitted that the services which it is proposed to provide will not be operated on more than six days in any period of twelve months and that passengers will not be carried on a journey included in those services otherwise than at day return fares.

(3) Not less than two commissioners shall be present at the hearing of an application, and if where an application is heard by two commissioners only there is a difference of opinion between them, the matter shall be reheard and determined by all the commissioners.

(4) The traffic commissioners may delegate to any one of their members any of their functions other than those requiring to be discharged at a public sitting, and other than those of advising the Minister on an order made by a local authority under section thirty-nine of this Act or by a local authority in England or Wales under section eighty-three thereof.

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(5) The two last foregoing subsections do not apply to the Metropolitan Traffic Area.

Accounts of traffic commissioners and metropolitan police commissioner.

**154.**—(1) The traffic commissioners for each traffic area shall cause proper accounts and other records in relation thereto to be kept, and shall prepare an annual statement of accounts in such form and containing such particulars as may be required by the Minister.

(2) As regards his functions with respect to licences to drive, or act as conductor of, public service vehicles, the commissioner of police of the metropolis shall cause proper accounts and other records in relation thereto to be kept and shall prepare an annual statement of accounts in such form and containing such particulars as may be required by the Minister.

Annual report of traffic commissioners and metropolitan police commissioner.

**155.** The traffic commissioners for each traffic area shall make an annual report to the Minister on their proceedings containing particulars with respect to such matters as the Minister may direct and the commissioner of police of the metropolis shall make a like report as regards the exercise of his functions with respect to licences to drive, or act as conductor of, public service vehicles.

Records of licences.

**156.**—(1) The traffic commissioners for each traffic area, and the commissioner of police of the metropolis, shall keep a record in such form and containing such particulars as may be prescribed of all licences granted or backed by them or him under this Part of this Act.

(2) A police constable or a person authorised for the purpose by a local authority shall, without payment, and any other person appearing to the traffic commissioners to have a reasonable ground for claiming so to do shall, upon payment of the prescribed fee, be entitled at any reasonable time to inspect and take copies of or extracts from the record kept under this section by them; and a police constable or a person authorised as aforesaid shall, without payment, and any other person appearing to the commissioner of police of the metropolis to have a reasonable ground for claiming so to do shall, upon payment of such fee as aforesaid, be entitled at any reasonable time to inspect and take copies of, or extracts from, the record so kept by him.

(3) A record kept under this section shall be admissible in evidence of the matters required under this Part of this Act to be entered therein, and a copy of an entry made in such a record in pursuance of this section purporting to be signed by or on behalf of the authority by whom the record is kept and

to be certified to be a true copy shall be evidence of the matters stated in that entry without proof of the signature or authority of the person signing the same.

(4) In the application of this section to Scotland, "local authority" means a county or town council.

Returns to be provided by persons operating public service vehicles.

**157.**—(1) It shall be the duty of a person carrying on the business of operating public service vehicles to keep such accounts and records in relation thereto and to make to the Minister such financial and statistical returns, and in such manner and at such times, as the Minister may from time to time require.

(2) If a person fails to comply with the requirements of the foregoing subsection, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a continuing offence to a fine not exceeding five pounds for every day during which the offence continues.

(3) This section shall not apply to the British Transport Commission or an Executive.

Power to regulate procedure on applications for licences, &c.

**158.** Subject to the provisions of this Part of this Act, provision may be made by regulations as to the procedure on—

(*a*) applications for the grant of public service vehicle licences, road service licences and licences to drive, or act as conductor of, public service vehicles, and applications for the variation of conditions attached to road service licences,

(*b*) the determination of questions in connection with the grant, suspension and revocation of such licences and in connection with any such variation as aforesaid, and

(*c*) the surrender of licences,

and those regulations may make provision as to the particulars to be furnished and the persons to whom notices are to be given, the manner in which notices are to be published or served, and the manner in which objections or other representations with respect to the determination of such questions as aforesaid may be made.

Fees for grant of licences, &c.

**159.**—(1) Such fees as may be prescribed shall be charged—

(*a*) by the traffic commissioners for each traffic area in respect of the grant or backing of public service vehicle licences and road service licences and in respect of the issue of certificates of fitness under this Part of this Act;

(*b*) by the traffic commissioners for each traffic area and by the commissioner of police of the metropolis in respect of the issue of licences to drive, or act as conductor of, public service vehicles.

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(2) Any fees received by virtue of this section by the traffic commissioners shall be paid into the Exchequer in such manner as the Treasury may direct.

(3) Any fees payable by virtue of this section to the commissioner of police of the metropolis shall be paid to the Receiver for the metropolitan police district or a person authorised by him to receive payments or give receipts on his behalf.

Regulations for purposes of Part III.

**160.**—(1) The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act or the Twelfth Schedule thereto, and generally for the purpose of carrying this Part of this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters—

(*a*) the forms to be used for the purposes of this Part of this Act;

(*b*) applications for and the issue of licences and of certificates of fitness;

(*c*) the issue of copies of licences and certificates in the case of licences or certificates lost or destroyed;

(*d*) the fees to be payable under this Part of this Act and the persons liable to pay the same;

(*e*) the documents, plates and marks to be carried by public service vehicles and the manner in which they are to be carried;

(*f*) the badges to be worn by drivers and conductors of public service vehicles;

(*g*) the custody, production and cancellation on revocation or expiration of licences and certificates of fitness, and the return to the commissioners or, as the case may be, the commissioner of police of the metropolis, of licences which have become void, or have been revoked, and as to the custody, production and return of badges and plates;

(*h*) the carriage of luggage and goods on public service vehicles;

(*i*) the safe custody and re-delivery or disposal of any property accidentally left in a public service vehicle and fixing the charges made in respect thereof;

(*j*) the equipment to be carried by public service vehicles;

(*k*) for providing that any provisions of this Part of this Act shall in relation to public service vehicles brought into Great Britain for the purpose of carrying persons

making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed;

and different regulations may be made as respects different classes or descriptions of public service vehicles or as respects the same class or description of public service vehicles in different circumstances.

(2) In this Part of this Act and the Twelfth Schedule thereto "prescribed" means prescribed by regulations and "regulations" means regulations made under this section.

Restriction on institution in England and Wales of proceedings under Part III.

**161.**—(1) Subject to the provisions of this section, proceedings for an offence under this Part of this Act shall not, in England or Wales, be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by the traffic commissioners, a chief officer of police, or the council of a county, county borough or county district.

(2) The foregoing subsection shall not apply to proceedings for an offence under section one hundred and forty-one of this Act, but such proceedings shall not be instituted except by or by the direction of the Director of Public Prosecutions, the traffic commissioner for the Metropolitan Traffic Area or a chief officer of police.

(3) Subsection (1) of this section shall not apply to proceedings for a breach of regulations having effect by virtue of section one hundred and forty-seven or one hundred and forty-eight of this Act.

(4) Subsection (1) of this section shall not prevent the institution by or on behalf of the Minister of proceedings for an offence under section one hundred and fifty-seven of this Act.

Payment of expenses under Part III

**162.**—(1) There shall be paid in every year out of moneys provided by Parliament such sums as the Minister may, with the consent of the Treasury, direct in respect of the salaries, remuneration, establishment charges, and other expenses of the traffic commissioners, certifying officers, public service vehicle examiners, and any other officer or servant appointed by the Minister for the purposes of this Part of this Act, including any expenses incurred in connection with the employment of police officers as public service vehicle examiners.

(2) There shall be paid into the metropolitan police fund out of moneys provided by Parliament such sums in respect of the costs incurred under this Part of this Act by the commissioner of police of the metropolis as the Treasury, after consultation with the Minister, may from time to time determine.

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Power of Minister to transfer licensing functions under Part III of metropolitan police commissioner.

**163.**—(1) The Minister may by order provide that, as regards persons residing in the Metropolitan Traffic Area or any specified part of that area, the functions of the commissioner of police of the metropolis of granting licences to drive, or act as conductor of, public service vehicles, or of any class of such vehicles, shall be transferred to the traffic commissioner for the Metropolitan Traffic Area, and an order under this subsection may be revoked or altered by a subsequent order of the Minister; but no order under this subsection conferring any power, or imposing any duty, on the said commissioner of police shall be made save with the concurrence of the Secretary of State.

(2) An order under the foregoing subsection may make such adaptations and modifications of this Part of this Act as may be necessary for giving effect to the transfer of functions effected by the order.

(3) Without prejudice to the foregoing provisions of this section, the Minister may by order, subject to revocation or alteration by a subsequent order made by him, suspend the operation of subsection (2) of the last foregoing section.

(4) The powers conferred on the Minister by this section shall be exercisable by statutory instrument.

## PART IV

## REGULATION OF CARRIAGE OF GOODS BY ROAD

### *Carriers' Licences*

Users of goods vehicles to hold carriers' licences.

**164.**—(1) Subject to the provisions of this Part of this Act, no person shall use a goods vehicle on a road for the carriage of goods—

(*a*) for hire or reward; or

(*b*) for or in connection with any trade or business carried on by him,

except under a licence granted under this Part of this Act (hereafter in this Part of this Act referred to as a "carrier's licence"):

Provided that this subsection shall not apply to the use of a vehicle in any case such as is mentioned in the Thirteenth Schedule to this Act.

(2) A person who uses a vehicle in contravention of the foregoing subsection shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

(3) For the purposes of this Part of this Act, the driver of a vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan, and in any other case the person whose agent or servant the driver is, shall be deemed to be the person using the vehicle.

(4) Where at any time goods are carried in a goods vehicle, being a vehicle which has been let on hire by the person who, at the time of the carriage of the goods, is within the meaning of this Part of this Act the user of the vehicle, the goods shall be deemed to be carried by that person for hire or reward.

(5) Where goods are carried in a vehicle, those goods shall not, for the purposes of this Part of this Act or the Thirteenth Schedule thereto, be deemed to be carried for hire or reward if—

(*a*) they are goods sold, used or let on hire or hire-purchase in the course of a trade or business carried on by the person using the vehicle, and are being delivered or collected by him; or

(*b*) they are goods which have been, or are to be, subjected to a process or treatment in the course of a trade or business carried on by the person using the vehicle, and are being delivered or collected by him; or

(*c*) they are carried, by a person engaged in agriculture in any locality, for or in connection with the business of agriculture carried on by another person in that locality, and the vehicle in which they are carried is one which the person carrying them is authorised by a carrier's licence to use for the carriage of goods for or in connection with his agricultural business; or

(*d*) they are carried in a vehicle which is being used under, and in accordance with the regulations applicable to, a licence taken out by a manufacturer or repairer of, or dealer in, mechanically propelled vehicles under section ten of the Vehicles (Excise) Act, 1949; or

(*e*) they are carried in a vehicle which is being used by a manufacturer, agent or dealer for demonstration purposes.

(6) It is hereby declared that, for the purposes of this Part of this Act, the performance by a local or public authority of their functions shall be deemed to be the carrying on of a business.

**The licensing authority.**

**165.**—(1) In relation to each traffic area constituted for the purposes of Part III of this Act, the person who is the chairman of the traffic commissioners for the area (including any person for the time being appointed by the Minister to act as deputy to the chairman) shall be known as the licensing authority and shall exercise the functions relating to carriers' licences conferred on him by this Part of this Act.

(2) In the exercise of his functions under this Part of this Act the licensing authority shall act under the general directions of the Minister.

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(3) Subsection (1) of this section shall have effect as respects the Metropolitan Traffic Area with the substitution of a reference to the traffic commissioner for the Metropolitan Traffic Area for the reference to the chairman of the traffic commissioners.

Classes of carriers' licences, and acts authorised thereby.

**166.**—(1) Carriers' licences shall be of the following classes, that is to say—

(*a*) public carriers' licences (in this Part of this Act referred to as " A licences ");

(*b*) limited carriers' licences (in this Part of this Act referred to as " B licences "); and

(*c*) private carriers' licences (in this Part of this Act referred to as " C licences ").

(2) Subject to the provisions of this Part of this Act, an A licence shall entitle the holder thereof to use the authorised vehicles for the carriage of goods for hire or reward, and shall also entitle him to use those vehicles for the carriage of goods for or in connection with his business as a carrier of goods (whether that business is conducted by the use of road transport or any other kind of transport).

(3) Subject to the provisions of this Part of this Act, a B licence shall entitle the holder thereof to use the authorised vehicles, as he thinks fit from time to time,—

(*a*) for the carriage of goods for or in connection with a trade or business carried on by him, or

(*b*) subject to any conditions which the licensing authority, in the exercise of his discretion to attach conditions to a B licence, may attach to the licence, for the carriage of goods for hire or reward.

(4) Subject to the provisions of this Part of this Act, a C licence shall entitle the holder thereof—

(*a*) to use the authorised vehicles for the carriage of goods for or in connection with a trade or business carried on by him, or

(*b*) if specially authorised by the licensing authority in a case of emergency, to use an authorised vehicle for the carriage of goods, in accordance with any conditions imposed by the authority in giving the authorisation, for any person to whom he lets the vehicle.

The licensing authority shall not give an authorisation under paragraph (*b*) of this subsection unless he is satisfied that the needs of the person for whom the goods are to be carried cannot conveniently be met from other sources.

(5) In relation to an A licence of which the holder is a person carrying on a canal, dock or harbour undertaking, subsection (2) of this section shall have effect as if the following words were inserted at the end of the subsection, that is to say—

" or for or in connection with the canal, dock or harbour undertaking carried on by him ".

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Authorised vehicles.

**167.**—(1) The vehicles authorised to be used under a carrier's licence shall be—

(*a*) such motor vehicles, being vehicles belonging to the holder of the licence or in his possession under a hire-purchase agreement, as are specified in the licence;

(*b*) motor vehicles from time to time in the possession of the holder of the licence under an agreement for hire or loan, not exceeding at any time such maximum number as is specified in the licence;

(*c*) trailers from time to time belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, not exceeding at any time such maximum number as is specified in the licence;

(*d*) in the case of a C licence, subject to the provisions of the next following subsection, any motor vehicle belonging to the holder of the licence or in his possession under a hire-purchase agreement, but acquired by him, or coming into his possession under such an agreement, only after the grant of the licence.

For the purposes of paragraph (*b*) or paragraph (*c*) of this subsection, different types of motor vehicles or different types of trailers, as the case may be, may be distinguished in a licence and a maximum number may be specified in the licence for vehicles or trailers of each type.

(2) A motor vehicle which, after the grant of a C licence, is acquired by the holder of the licence, or comes into his possession under a hire-purchase agreement, shall cease to be an authorised vehicle on the expiration of one month from the date on which it was acquired by him or came into his possession unless before the expiration of that period he delivers to the licensing authority a notice in the prescribed form to the effect that the vehicle has been acquired by him, or has come into his possession, as the case may be.

(3) A motor vehicle specified in a carrier's licence shall not, while it remains so specified, be capable of being effectively specified in any other carrier's licence.

Conditions of carriers' licences.

**168.**—(1) It shall be a condition of every A licence that no vehicle which is for the time being an authorised vehicle shall be used for the carriage of goods for or in connection with a trade or business carried on by the holder of the licence (other than a trade or business for or in connection with which the holder of the licence is, by virtue of subsection (2) of section one hundred and sixty-six of this Act, entitled to use that vehicle for the carriage of goods), except such storage or warehousing of goods as may be incidental to his business as a carrier.

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(2) The licensing authority may in his discretion attach to a B licence, as respects the use of the authorised vehicles, or any of them, for the carriage of goods for hire or reward, all or any of the following conditions, that is to say—

(*a*) a condition that they shall be so used only in a specified district or between specified places;

(*b*) a condition that certain classes or descriptions of goods only shall be so carried;

(*c*) a condition that goods shall be so carried only for specified persons;

(*d*) such other conditions (not being conditions with respect to the rates to be charged) as the licensing authority may think fit to impose in the public interest and with a view to preventing uneconomic competition.

(3) It shall be a condition of every C licence that no vehicle which is for the time being an authorised vehicle shall be used for the carriage of goods for hire or reward except under an authorisation given under paragraph (*b*) of subsection (4) of section one hundred and sixty-six of this Act.

(4) The conditions of a carrier's licence shall not apply in relation to the use of an authorised vehicle for a purpose for which it might lawfully be used without the authority of a carrier's licence.

(5) Subject to the last foregoing subsection, a person who fails to comply with a condition of a carrier's licence of which he is the holder shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

Duration of carriers' licences.

**169.**—(1) There shall be specified in every carrier's licence the date on which the licence is to come into force (in this Part of this Act referred to as " the commencement date ").

(2) Regulations may specify the dates in the year on which carriers' licences shall expire and, subject to the provisions of this section, a carrier's licence shall, unless previously revoked, continue in force up till and including that one of the specified dates which occurs next before the expiration of the period (in this Part of this Act referred to as " the currency period ") applicable to that licence in accordance with subsection (4) of this section, unless at the time of the granting of the licence the licensing authority for special reasons determines that it shall continue in force only up till and including an earlier date (being one of those specified), in which case it shall, unless previously revoked, continue in force only up till and including that date.

(3) If at the date on which a carrier's licence is due to expire, proceedings are pending before the licensing authority on an application by the holder of that licence for the grant to him of a new licence in substitution therefor, the existing licence shall continue in force until the application is disposed of, without prejudice, however, to the exercise in the meantime of the powers of suspension, revocation and curtailment conferred by this Part of this Act.

(4) The currency period shall be—

(*a*) in the case of an A licence, two years or such longer period as may be prescribed;

(*b*) in the case of a B licence, one year or such longer period as may be prescribed;

(*c*) in the case of a C licence, three years or such longer period as may be prescribed:

Provided that regulations may provide that, where the licensing authority is of opinion that such a course is desirable in order to arrange a suitable and convenient programme of work, he may in his discretion grant a licence for a currency period shortened to meet the requirements of that programme.

Short-term carriers' licences.

**170.**—(1) With a view to enabling goods vehicles to be used temporarily—

(*a*) for the purposes of a seasonal business,

(*b*) for the purposes of the execution of a particular piece of work, or

(*c*) for any other purpose of limited duration,

a carrier's licence of any class may be granted for a period not exceeding three months.

(2) Where an application has been made for a carrier's licence having a duration determined by the last foregoing section, the licensing authority, if for administrative reasons he deems it desirable so to do, may, pending the determination of the application, grant to the applicant a carrier's licence for a period not exceeding—

(*a*) in the case of a first application for an A licence, twelve months;

(*b*) in the case of a first application for a B licence, six months; and

(*c*) in any other case, three months.

(3) If, in a case where an application has been made for a carrier's licence, the licensing authority has granted a licence under the last foregoing subsection, that licence shall cease to have effect on the commencement date of a licence granted on that application and having a duration determined by the last foregoing section.

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(4) A licence granted under this section is hereafter in this Part of this Act referred to as a " short-term licence ".

(5) Subsections (2) to (4) of the last foregoing section shall not apply to short-term licences.

*Procedure governing Grant of Carriers' Licences*

Applications for carriers' licences.

**171.**—(1) An application for an A licence or for a B licence shall be made to the licensing authority for the area in which the applicant's operating centre is situated.

(2) Where the applicant for an A licence or for a B licence has more than one operating centre he shall make a separate application in respect of each centre, but where applications for licences of the same class are made by the same person in respect of two or more centres in the same area the licensing authority may, if he thinks fit, grant a single licence in respect of all or any of the applications.

(3) An application for a C licence shall be made to the licensing authority either for the area in which the principal place of business of the applicant is situated or for the area in which his head office is situated.

(4) In this section " operating centre " means the permanent base or centre from which it is intended that the authorised vehicles will normally be used for the carriage of goods for hire or reward.

Applicant to furnish information.

**172.**—(1) A person applying for a carrier's licence shall give to the licensing authority a statement in the prescribed form giving such particulars as may be prescribed of the motor vehicles proposed to be used under the licence which—

(*a*) belong to the applicant, or

(*b*) are in his possession under a hire-purchase agreement, or

(*c*) he intends, if the application is granted, to acquire, or to obtain possession of under such an agreement,

and also stating the number and type of any hired motor vehicles, and of any trailers, proposed to be so used; but an applicant shall not be required to distinguish in his statement between vehicles belonging to him and vehicles subject to hire-purchase agreements.

(2) A person applying for an A licence or for a B licence shall also give to the licensing authority a statement in the prescribed form—

(*a*) specifying the facilities for the transport of goods intended to be provided by the applicant under the licence for other persons, and

(*b*) giving particulars of the district within which, or the places between which, it is intended that the authorised vehicles will normally be used for the carriage of goods for hire or reward.

(3) A person applying for a carrier's licence shall give to the licensing authority any further information which he may reasonably require for the discharge of his duties in relation to the application, and in particular shall, if the application is for an A licence or for a B licence and he is required by the licensing authority so to do, give to him in the prescribed form—

(*a*) such particulars as he may require with respect to any business as a carrier carried on by the applicant at any time before the making of the application, and of the rates charged by the applicant;

(*b*) particulars of any agreement or arrangement entered into by the applicant with any other carrier (whether operating within the area of the licensing authority or outside that area) which affect in any material respect the provision within the area of the licensing authority of facilities for the transport of goods for hire or reward;

(*c*) particulars of any financial interest which any other carrier, or a person controlling (either solely or in conjunction with any other person) the business of any other carrier, has in the business of the applicant;

(*d*) where the applicant is a company, particulars of any right which any other carrier, or any person controlling (either solely or in conjunction with any other person) the business of any other carrier, has to nominate any director of the company.

In this subsection "carrier" means a person providing facilities for the transport of goods for hire or reward, and "financial interest" means financial interest as a partner or shareholder or as a result of a loan, guarantee or other financial transaction.

Objections to certain applications for A or B licences.

**173.**—(1) This section applies to every application for the grant of an A licence or a B licence except—

(*a*) an application which the licensing authority is bound to grant;

(*b*) an application which, in the opinion of the licensing authority, is of so trivial a nature that it is not necessary that an opportunity should be given for objection;

(*c*) an application for a licence to expire not later than an existing licence under which the vehicles to which the application relates are authorised to be used for the purposes of a business which the applicant has acquired or intends to acquire;

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(*d*) an application for a short-term licence, where the licensing authority is of opinion that the application has been made with reasonable expedition and that the demand for the use of the vehicles to be authorised under the licence is so urgent as to render compliance with the requirements of this section impracticable.

(2) The licensing authority shall publish in the prescribed manner notice of an application to which this section applies specifying the time within which, and the manner in which, objections may be made to the grant of the application.

(3) It shall be the duty of the licensing authority, on an application to which this section applies, to take into consideration any relevant objection to the application which may be made by a person who is already providing facilities, whether by means of road transport or any other kind of transport, for the carriage of goods for hire or reward in the district, or between the places, which the applicant intends to serve:

Provided that on an application for an A licence, the licensing authority shall not be bound to take into consideration an objection made by a person who holds a B licence but does not also hold an A licence.

(4) In this section, " relevant objection " means an objection on any of the following grounds, that is to say,—

(*a*) that suitable transport facilities in the district, or between the places, which the applicant intends to serve are or, if the application were granted, would be, either generally or in respect of any particular type of vehicles, in excess of requirements;

(*b*) that any of the conditions of a carrier's licence held by the applicant has not been complied with;

(*c*) that in relation to a carrier's licence held by the applicant, there has been any such conviction or prohibition as is mentioned in the Fourteenth Schedule to this Act.

(5) The onus of proof of the existence of the grounds on which a relevant objection is made shall lie on the objector.

(6) In considering, for the purposes of an objection on grounds such as are referred to in paragraph (*a*) of subsection (4) of this section, whether existing transport facilities are to be treated as suitable, the licensing authority shall have regard to the relative efficiency, reliability and adequacy of the existing facilities at the date of the application and the facilities which the applicant will provide if his application is granted, and to all other relevant considerations, including, to such extent as may in all the circumstances appear proper, the charges made and to be made in respect of those facilities respectively.

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Decision of licensing authority on application for carrier's licence.

**174.**—(1) Subject to the provisions of this Part of this Act, the licensing authority, on an application for an A licence or for a B licence, shall have full power in his discretion—

(*a*) to grant the application, or

(*b*) to grant a licence in respect of motor vehicles other than those of which particulars were contained in the application, or in respect of motor vehicles or trailers less in number than, or differing in type from, those for the use of which authorisation was applied for, or

(*c*) to refuse the application.

(2) If, on an application for an A licence, the applicant satisfies the licensing authority that any of the authorised vehicles will be used exclusively for the purposes of a contract entered into by the applicant with a person carrying on a trade or business (not being the business of carrying or arranging for the carrying of goods) for the carriage of goods for or in connection with that trade or business during any continuous period of not less than one year, the following provisions shall have effect:—

(*a*) the licensing authority shall be obliged to grant the application so far as regards those vehicles (unless he is satisfied that, having regard to the previous conduct of the applicant in the capacity of a carrier of goods, he is not a fit person to receive a carrier's licence, in which case the licensing authority shall refuse the application); but

(*b*) if the application is granted, the licensing authority shall attach to the licence conditions for securing that those vehicles shall be used exclusively for the purposes of the contract and shall at the termination of the contract cease to be authorised vehicles unless the licensing authority, on an application made to him with respect thereto, otherwise directs.

(3) The licensing authority shall be obliged to grant an application for a C licence unless—

(*a*) the applicant is the holder of a carrier's licence which is suspended or has been curtailed, or

(*b*) a carrier's licence previously held by the applicant has been revoked or curtailed,

in either of which cases the licensing authority shall have full power in his discretion either to grant or to refuse the application.

(4) The licensing authority, in exercising his discretion under this section, shall have regard to the interests of the public generally, including primarily those of persons requiring facilities

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for transport, and secondarily those of persons providing facilities for transport, and, in particular, shall have regard in the case of an application for an A licence or for a B licence—

(*a*) where the applicant is the holder of an existing licence of the same class, to the extent to which he is authorised to use goods vehicles thereunder for the carriage of goods for hire or reward;

(*b*) to the previous conduct of the applicant in the capacity of a carrier of goods;

(*c*) to the number and type of vehicles proposed to be used under the licence;

(*d*) in determining the number of vehicles to be authorised, to the need for providing for occasions when vehicles are withdrawn from service for overhaul or repair;

(*e*) to the extent to which the vehicles to be authorised will be in substitution for horse-drawn vehicles previously used by the applicant for the purposes of his business as a carrier;

(*f*) to the extent to which the vehicles to be authorised will further the provision of services under which goods will be carried partly by road and partly by railway or inland waterway without the need for unloading and reloading,

and, in the case of an application for a B licence, also to the extent to which the applicant intends that the vehicles proposed to be used under the licence shall be used for the carriage of goods for hire or reward.

Where goods are contained in a receptacle which is an additional body for a goods vehicle and is constructed or adapted for the purpose of being taken on to or off the vehicle with goods contained therein, the transfer of the receptacle with goods contained therein on to or off a goods vehicle, railway wagon or vessel shall not be treated for the purposes of paragraph (*f*) of this subsection as an unloading or reloading of those goods.

(5) For the avoidance of doubt it is hereby declared that the matters to which the licensing authority is to have regard in exercising his discretion under this section do not include the duty imposed upon the British Transport Commission by paragraph (*c*) of subsection (1) of section three of the Transport Act, 1947 (which requires the Commission to provide, in such places and to such extent as may appear to them to be expedient, certain transport services).

(6) In a case in which the licensing authority refuses to grant a carrier's licence, or grants a carrier's licence which differs from the licence applied for, or imposes conditions to which

the applicant does not agree, the licensing authority shall, if so requested by the applicant, state in writing the reasons for his decision.

(7) Where, under paragraph (*b*) of subsection (1) of this section, the licensing authority proposes to grant an application for an A licence or for a B licence in respect of vehicles other than those of which particulars were contained in the application, then (unless the licensing authority is satisfied that the variation subject to which he proposes to grant the application will not materially increase the total carrying capacity of the authorised vehicles) he shall publish notice of his proposal as if it were an application to which the last foregoing section applies, and thereupon subsections (3) to (6) of that section shall apply accordingly.

Right of applicant or objector to appeal to Transport Tribunal.

**175.**—(1) A person who, having applied for a carrier's licence, is aggrieved—

(*a*) by the decision of the licensing authority on the application, or

(*b*) in the case of an application for a B licence, by a condition attached to the licence by the licensing authority,

may appeal to the Transport Tribunal.

(2) A person who, having duly made an objection to an application for a carrier's licence, is aggrieved by the decision of the licensing authority thereon, may, if the objection was one which the licensing authority was bound to take into consideration, appeal to the Transport Tribunal.

(3) The Transport Tribunal shall have power to make such order as it thinks fit on an appeal under this section, and the decision of the Tribunal on such an appeal shall be binding on the licensing authority.

(4) Where a person who has applied for a new carrier's licence, in substitution for a licence, other than a short-term licence, held by him and in force at the date of his application, appeals to the Transport Tribunal, the existing licence shall, notwithstanding anything contained in section one hundred and sixty-nine of this Act, continue in force until the appeal has been disposed of, without prejudice, however, to the exercise in the meantime of the powers of suspension, revocation and curtailment conferred by this Part of this Act.

*Variation, Revocation, Suspension and Curtailment of Carriers' Licences*

Variation of carrier's licence at instance of holder.

**176.**—(1) On the application of the holder of a carrier's licence, the licensing authority by whom the licence was granted may at any time while it is in force vary the licence by directing—

(*a*) that additional vehicles be specified therein, or

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(*b*) that vehicles specified therein be removed therefrom, or

(*c*) that the maximum number of motor vehicles or of trailers specified therein under paragraph (*b*) or paragraph (*c*) of subsection (1) of section one hundred and sixty-seven of this Act be increased or reduced, or

(*d*) in the case of an application by the holder of a B licence, that any condition attached to the licence under subsection (2) of section one hundred and sixty-eight of this Act be cancelled or varied.

(2) The following provisions of this Act, namely, subsection (2) of section one hundred and sixty-eight, section one hundred and seventy-two and section one hundred and seventy-four shall, so far as applicable and with any necessary modifications, apply to an application under this section for the variation of a carrier's licence of any class as they apply to an application for the grant of a licence of that class, subject, however, in the case of the said section one hundred and seventy-four, to the restriction that the licensing authority shall be bound to grant an application for a variation consisting only of—

(*a*) the removal of a specified vehicle from the licence; or

(*b*) a reduction in the maximum number of motor vehicles or of trailers specified in the licence in pursuance of paragraphs (*b*) and (*c*) respectively of subsection (1) of section one hundred and sixty-seven of this Act; or

(*c*) the specification in the licence in substitution for a specified vehicle of a vehicle of the same or of a less weight unladen.

(3) In the case of an application under this section for—

(*a*) the variation of an A licence or a B licence by a direction—

(i) that additional vehicles shall be specified therein; or

(ii) that the maximum number of motor vehicles or of trailers specified therein in pursuance of paragraphs (*b*) and (*c*) respectively of subsection (1) of section one hundred and sixty-seven of this Act shall be increased; or

(*b*) the variation of a B licence by a direction that the district specified in the licence within which, or the places so specified between which, the vehicles can be used for the carriage of goods for hire or reward shall be varied or extended;

the licensing authority (unless satisfied that the application is of so trivial a nature that it is not necessary that an opportunity should be given for objection to it) shall publish, in the manner

prescribed for the publication of notices of applications to which section one hundred and seventy-three of this Act applies, notice of the application specifying the time within which, and the manner in which, objections may be made to the grant of the application, and where notice of the application is published in pursuance of this subsection, subsections (3) to (6) of that section shall apply to the application as they apply to an application under that section for the grant of a licence of the same class as that to which the application relates.

(4) A person who—

(*a*) being an applicant for the variation of a carrier's licence, is aggrieved by the decision of the licensing authority on the application or, in the case of a B licence, by a condition attached to the licence by the licensing authority, or

(*b*) having duly made an objection to an application for the variation of a carrier's licence, being an objection which the licensing authority is bound to take into consideration, is aggrieved by the decision of the licensing authority thereon,

may appeal to the Transport Tribunal; and on an appeal under this subsection the Transport Tribunal shall have power to make such order as it thinks fit, and its decision shall be binding on the licensing authority.

(5) Where a condition attached to a carrier's licence is varied under this section by a licensing authority, the variation shall not have effect until the expiration of the time within which an appeal may be made to the Transport Tribunal against the variation nor, if such an appeal is made, until the appeal has been disposed of.

Variation of carriers' licences in other cases.

**177.**—(1) Where it comes to the knowledge of the licensing authority by whom a carrier's licence was granted that a vehicle specified therein has ceased to be used under the licence for any reason other than a fluctuation in business, or is specified in another carrier's licence, he may vary the licence by directing that the vehicle be removed therefrom.

(2) Where the licensing authority by whom a C licence was granted receives a notice under subsection (2) of section one hundred and sixty-seven of this Act to the effect that the holder of the licence has acquired, or come into possession of, a vehicle as mentioned in that subsection, he shall vary the licence by directing that the vehicle be specified therein.

Revocation, suspension and curtailment of carriers' licences.

**178.**—(1) Subject to the provisions of this section, the licensing authority by whom a carrier's licence was granted may direct that it be revoked, suspended or curtailed on any one or more of the following grounds, that is to say—

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(*a*) that any of the conditions of the licence have not been complied with;

(*b*) that in relation to the licence there has been any such conviction or prohibition as is mentioned in the Fourteenth Schedule to this Act;

(*c*) that the holder of the licence has, since the licence was granted, been convicted of an offence under section seven of the Road Haulage Wages Act, 1938 (which makes failure to pay the statutory remuneration under that Act an offence);

(*d*) in the case of an A licence or a B licence, that the holder of the licence made or procured to be made for the purposes of his application for the licence, or for the purposes of an application for any such variation thereof as is mentioned in subsection (3) of section one hundred and seventy-six of this Act a statement of fact which (whether to his knowledge or not) was false, or a statement of intention or expectation which has not been fulfilled;

(*e*) in the case of an A licence or a B licence, that the holder of the licence has been persistently charging, for services which consist of or include the carriage of goods by road in any of the authorised vehicles, sums insufficient to meet the cost of rendering those services, and has thereby placed other holders of carriers' licences at an undue or unfair disadvantage in competing with him as respects the carriage of goods by road.

(2) The licensing authority shall not give a direction under this section without first holding a public inquiry if the holder of the licence requests him to hold such an inquiry.

(3) The licensing authority shall not give a direction under this section on a ground such as is referred to in paragraph (*a*) or paragraph (*c*) of subsection (1) thereof unless he is satisfied that owing to the frequency of the breach of conditions of the licence, or to the breach in question having been committed wilfully, or, as the case may be, that owing to the frequency with which the offence was committed or to the offence in question having been committed wilfully, such a direction should be given.

(4) The licensing authority shall not give a direction under this section on a ground such as is referred to in paragraph (*b*) of subsection (1) thereof unless he is satisfied that owing to the frequency of such convictions or prohibitions as are referred to in that paragraph, or the wilfulness of the act or

omission leading to the conviction or prohibition in question, or the danger to the public involved in that act or omission, such a direction should be given.

(5) In a case in which the licensing authority gives a direction under this section with respect to a licence he shall, if so requested by the holder of the licence, state in writing the grounds on which the direction is given.

(6) A person who, being the holder of a carrier's licence, is aggrieved by a direction given under this section in respect thereof, may appeal to the Transport Tribunal; and on an appeal under this subsection the Transport Tribunal shall have power to make such order as it thinks fit, and its decision shall be binding on the licensing authority.

(7) References in this Part of this Act to the curtailment of a licence are references—

(*a*) to the removal from the licence of any one or more of the vehicles specified therein, or

(*b*) to the reduction of the maximum number of motor vehicles or of trailers specified therein in pursuance of paragraphs (*b*) and (*c*) respectively of subsection (1) of section one hundred and sixty-seven of this Act.

*Provisions supplementary to foregoing Provisions of Part IV*

Supplemental provisions as to carriers' licences.

**179.**—(1) A person may be the holder of two or more carriers' licences whether of the same class or of different classes.

(2) A carrier's licence shall not be capable of being transferred or assigned, but provision may be made by regulations for enabling a person carrying on the business of the holder of a carrier's licence to continue for the time being to use the authorised vehicles in the event of the death, incapacity, bankruptcy, or liquidation of the holder, or of the appointment of a receiver or manager in relation to the business.

Holding and subsidiary companies.

**180.**—(1) Where a holding company, on an application for a carrier's licence, signifies to the licensing authority its desire that the provisions of this section should have effect as respects a subsidiary company specified in the application, then, in relation to the application and to any licence granted thereon to the holding company, and to the use of the authorised vehicles, this Part of this Act shall have effect—

(*a*) as if goods vehicles belonging to, or in the possession of, the subsidiary company belonged to, or were in the possession of, the holding company;

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(*b*) as if, where a goods vehicle is used in circumstances in which, but for this provision, the subsidiary company would be deemed to be the user thereof, the holding company were the user thereof;

(*c*) as if a trade or business carried on by the subsidiary company were carried on by the holding company;

(*d*) as if a person employed by the subsidiary company as a driver or statutory attendant of an authorised vehicle were employed by the holding company;

(*e*) as if the subsidiary company were an applicant for the licence.

(2) The provisions of this section shall cease to have effect as respects a subsidiary company—

(*a*) if the holding company gives notice to the licensing authority that it desires that this section should, as from any date, cease to apply to that company, as from that date; or

(*b*) as from the date on which that company ceases to be a subsidiary company of the holding company.

(3) Where, by virtue of this section, this Part of this Act has effect as if a trade or business carried on by a subsidiary company were carried on by the holding company, then, for the purposes of paragraph (*b*) of subsection (1) of section one hundred and seventy-eight of this Act the reference in the Fourteenth Schedule thereto to the holder of the licence or any servant or agent of his shall include a reference to the subsidiary company or any servant or agent of its, and for the purposes of paragraph (*e*) of that subsection—

(*a*) any charges for services made by the subsidiary company shall be deemed to be made by the holding company, and

(*b*) persons in competition with the subsidiary company shall be deemed to be in competition to the same extent with the holding company.

(4) In this section "holding company" means a company which is the beneficial owner of not less than ninety per cent. of the issued share capital of another company, and "subsidiary company", in relation to a holding company, means a company not less than ninety per cent. of the issued share capital of which is in the beneficial ownership of the holding company.

Where a subsidiary company (as hereinbefore defined) is the beneficial owner of any shares of another company, those shares shall be treated for the purposes of the foregoing definitions as if they were in the beneficial ownership of the holding company.

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Supplemental provisions as to appeals to Transport Tribunal.

**181.**—(1) An appeal under this Part of this Act to the Transport Tribunal must be made within the prescribed time and in the prescribed manner.

(2) The Transport Tribunal may by notice in writing require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence at the hearing of an appeal under this Part of this Act, or to produce any documents in his possession or power which relate to any matter in question on such an appeal; and a person who fails without reasonable excuse to comply with any of the provisions of such a notice shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

(3) The Transport Tribunal may remit the whole or part of any fee in respect of an appeal to the Tribunal under this Part of this Act if the applicant satisfies the Tribunal that by reason of his poverty it is proper so to do.

(4) An appeal to the Transport Tribunal from a decision of the licensing authority for an area in Scotland shall be heard in Scotland.

Fees for grant or variation of carriers' licences.

**182.**—(1) Such fees, payable at such times, and whether in one sum or by instalments, as may be prescribed shall be charged by the licensing authority in respect of the grant or variation of carriers' licences.

(2) All fees payable under this Part of this Act shall be paid into the Exchequer in such manner as the Treasury may direct.

*Maintenance of Goods Vehicles*

Powers of inspection of goods vehicles for securing proper maintenance thereof.

**183.**—(1) For the purpose of securing that goods vehicles are maintained in a fit and serviceable condition and that, in relation to goods vehicles, the provisions of Part I of this Act and this Part thereof are observed, the Minister shall appoint such officers (in this Part of this Act referred to as " examiners ") as he considers necessary.

(2) An examiner, or a certifying officer appointed under Part III of this Act (in this Part of this Act referred to as a " certifying officer "),—

(*a*) may at any time, on production if so required of his authority, enter and inspect any goods vehicle, and for that purpose detain the vehicle during such time as is required for the inspection;

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(*b*) may at any time which is reasonable having regard to the circumstances of the case enter any premises on which he has reason to believe that a goods vehicle is kept.

(3) A person who obstructs an examiner or certifying officer in the performance of his duty under the last foregoing subsection shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

Power to prohibit use of unfit goods vehicles.

**184.**—(1) If on the inspection of a goods vehicle it appears to an examiner or certifying officer that the vehicle, owing to any defects therein, is, or is likely to become, unfit for service until the defects have been remedied, he may prohibit the use of the vehicle on a road for the carriage of goods.

(2) Where under this section an examiner or certifying officer prohibits the use of a vehicle, he shall forthwith give notice in the prescribed form of the prohibition—

(*a*) to the owner of the vehicle,

(*b*) to the person in charge of the vehicle at the time of the inspection, and

(*c*) in the case of an authorised vehicle, to the licensing authority by whom the carrier's licence was granted.

(3) Where, in the opinion of the person imposing the prohibition, the defects can be remedied within a period not exceeding ten days and are not defects which involve immediate risk to public safety, a notice given under the last foregoing subsection shall specify the period within which the defects can, in that person's opinion, be remedied.

(4) A prohibition under this section shall come into operation as soon as notice thereof has been given either to the owner, or to the person in charge, of the vehicle, and shall thereafter continue in force until it is removed in accordance with the next following section:

Provided that, in a case such as is mentioned in the last foregoing subsection, the prohibition shall not come into operation before the expiration of the period within which, in the opinion of the person imposing the prohibition, the defects can be remedied, and shall not come into operation upon the expiration of that period if an examiner or certifying officer, being satisfied that the defects have been or are in course of being remedied, withdraws the prohibition before the expiration of that period.

(5) A person who drives a goods vehicle carrying goods, or causes or permits a goods vehicle carrying goods to be driven, on a road, at a time whilst a prohibition under this section is in operation in relation to the vehicle shall be liable on sum-

mary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

Removal of prohibition of use of unfit goods vehicle.

**185.**—(1) A prohibition under the last foregoing section which has come into operation may be removed by any examiner or certifying officer if he is satisfied that the vehicle is fit for service.

(2) A person aggrieved by the refusal of an examiner to remove a prohibition may make an application to any licensing authority to have the vehicle inspected by a certifying officer, and, where any such application is made, the certifying officer, on the matter being referred to him, shall, if he considers that the vehicle is fit for service, remove the prohibition.

(3) A person aggrieved by the refusal of a certifying officer to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Minister, who shall have power to make such order on the appeal as he thinks fit; and any such order shall be binding on the certifying officer.

(4) Where an examiner or certifying officer withdraws or removes a prohibition, he shall forthwith give notice of the withdrawal or removal to the owner of the vehicle and, in the case of an authorised vehicle, to the licensing authority by whom the carrier's licence was granted.

*Records of Hours of Work, &c.*

Duty of holder of carrier's licence to keep records as to hours of work, journeys, loads, &c.

**186.**—(1) Subject to any exemptions for which provision may be made by the regulations, the holder of a carrier's licence shall keep, or cause to be kept, in accordance with regulations made for the purposes of this section, current records showing—

(*a*) the times at which every person employed by him as a driver or statutory attendant of an authorised vehicle started and finished work and the intervals of rest of every such person;

(*b*) particulars of every journey of a vehicle on which goods are carried under the licence, showing the greatest weight of goods carried by the vehicle at any one time during the period to which the record relates and giving the description and destination of the goods carried.

(2) Where the holder of a carrier's licence himself acts as a driver or statutory attendant of an authorised vehicle, paragraph (*a*) of the foregoing subsection shall apply in relation to him as it applies in relation to persons employed by him:

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Provided that regulations made for the purposes of this section may exempt the holder of the licence from recording information as respects himself when so acting in such circumstances as may be specified in the regulations.

(3) Regulations made for the purposes of this section—

(*a*) may require separate information to be recorded as to the time spent by a person in work in connection with the vehicle or its load, or such description of such work as may be specified in the regulations, and the time spent by him in other work;

(*b*) may contain exemptions, applying in such cases and subject to such limitations as may be specified in the regulations, for vehicles used in the business of agriculture or vehicles used in the business of a travelling showman;

(*c*) may make provision for requiring drivers of authorised vehicles to carry the prescribed documents and to make any prescribed entries therein.

(4) Subject to the provisions of regulations made for the purposes of this section, a licensing authority may dispense with the observance, as respects the carriage of goods under a carrier's licence granted by him, of any requirement of those regulations, and may grant such a dispensation either generally, or as respects a particular vehicle, or as respects the use of vehicles for a particular purpose, but he shall not grant such a dispensation unless he is satisfied that it is not reasonably practicable, having regard to the nature of the business concerned, for the requirement dispensed with to be observed:

Provided that, in the case of vehicles used in the business of agriculture, or in the business of a travelling showman, he shall grant a dispensation except in so far as he is satisfied that for special reasons the observance of a requirement of the regulations is desirable as respects particular vehicles, or as respects vehicles used for a particular purpose.

(5) The holder of a carrier's licence shall preserve every record kept under regulations made for the purposes of this section for a period of three months beginning on the date on which the record is made and for such further period, not exceeding six months, as may be required by the licensing authority or a chief officer of police; and during the period for which he is required by or under this subsection to preserve a record he shall, if required so to do at any time by an authorised person, produce the record for the inspection of that person.

In this subsection "authorised person" means the licensing authority, or a person authorised for the purposes of this subsection by the licensing authority or by a chief officer of police.

(6) A person who fails to comply with the provisions of this section or of any regulations made for the purposes thereof shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

*Supplementary*

Power of licensing authority to hold inquiries.

**187.** A licensing authority may hold such inquiries as he thinks necessary for the proper exercise of his functions under this Part of this Act.

Accounts and annual report of licensing authorities.

**188.**—(1) Each licensing authority shall cause proper accounts and other records in relation to his area to be kept, and shall prepare an annual statement of accounts in such form and containing such particulars as may be required by the Minister.

(2) Each licensing authority shall make to the Minister an annual report on his proceedings, containing particulars with respect to such matters as the Minister may direct.

Appointment and remuneration of officers and servants.

**189.**—(1) Subject to the consent of the Treasury as to number, the Minister may appoint such officers and servants as he considers necessary for the operation of the provisions of this Part of this Act.

(2) There shall be paid to licensing authorities and persons acting as officers or servants of a licensing authority, examiners, and any other officers or servants appointed for the purposes of this Part of this Act, such remuneration or salaries and such allowances, if any, as the Minister may, with the consent of the Treasury, determine.

(3) In every year there shall be paid out of moneys provided by Parliament such sums as the Minister may, with the consent of the Treasury, direct in respect of—

(*a*) remuneration, salaries and allowances under the last foregoing subsection; and

(*b*) the establishment charges and other expenses of licensing authorities, examiners and any other officers or servants appointed by the Minister for the purposes of this Part of this Act.

Regulations for purposes of Part IV.

**190.**—(1) The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act or the Thirteenth Schedule thereto and for prescribing anything which may be prescribed under this Part of this Act and generally

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for the purpose of carrying this Part of this Act into effect and, in particular, but without prejudice to the generality of the foregoing provisions of this subsection, may make regulations with respect to any of the following matters—

(*a*) the forms to be used, and the particulars to be furnished, for any of the purposes of this Part of this Act;

(*b*) the procedure on applications for, and the determination of questions in connection with, the grant, variation, suspension, revocation and curtailment of carriers' licences, and on appeals to the Minister under this Part of this Act;

(*c*) the issue of carriers' licences, and the issue of copies of such licences in the case of licences lost or destroyed;

(*d*) the means by which vehicles are to be identified, whether by plates, marks or otherwise, as being authorised vehicles;

(*e*) the custody of carriers' licences, the production, return and cancellation of such licences on expiration, suspension, revocation or curtailment, and the custody, production and return of documents and plates; and

(*f*) the notification to the licensing authority of vehicles which have ceased to be used under a carrier's licence,

and different regulations may be made as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.

(2) The power conferred by the foregoing subsection to make regulations with respect to the means by which vehicles are to be identified as being authorised vehicles shall include power to require that any such means of identification prescribed for a vehicle shall be carried notwithstanding that for the time being the vehicle is not being used for a purpose for which a carrier's licence is required.

Interpretation of Part IV.

**191.**—(1) In this Part of this Act and the Thirteenth and Fourteenth Schedules thereto, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

"authorised vehicle" means, in relation to a carrier's licence, a vehicle authorised to be used thereunder, whether or not it is for the time being in use for a purpose for which a carrier's licence is required and whether it is specified therein as so authorised or, being of a type so authorised subject to a maximum number, is in the possession of the holder of the licence under an agreement for hire or loan or, if a trailer, belongs to him or is in his possession under an agreement for hire-purchase, hire or loan;

" carriage of goods " includes the haulage of goods;

" driver " means, in relation to a trailer, the driver of the vehicle by which the trailer is drawn, and " drive " shall be construed accordingly;

" goods " includes goods or burden of any description;

" goods vehicle " means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

" prescribed " means prescribed by regulations;

" regulations " means regulations made under the last foregoing section;

" statutory attendant " means a person employed in pursuance of section seventy-two of this Act in attending a locomotive or attending to a trailer.

(2) Anything required or authorised by this Part of this Act to be done to or by a licensing authority by whom a carrier's licence was granted may be done to or by any person for the time being acting as licensing authority for the area for which the first-mentioned authority was acting at the time of the granting of the licence.

## PART V

### LICENSING OF DRIVERS OF HEAVY GOODS VEHICLES

Drivers of heavy goods vehicles to be licensed

**192.**—(1) On and after the appointed day a person shall neither drive a heavy goods vehicle on a road unless he is licensed for the purpose under this Part of this Act or is licensed under Part III of this Act to drive all types of single-deck public service vehicles, nor employ a person who is not so licensed to drive a heavy goods vehicle on a road.

(2) If a person acts in contravention of the foregoing subsection he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(3) Subsection (1) of this section shall not prevent a person who is not licensed as therein mentioned from acting, or being employed to act, as steersman of a heavy goods vehicle (being a vehicle on which a speed limit of five miles per hour or less is imposed by or under section twenty-four of this Act) under the orders of another person engaged in the driving of the vehicle who is licensed in that behalf in accordance with the requirements of Part II of this Act and this section.

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(4) Subsection (1) of this section shall not apply to the driving of, or the employment of a person to drive, a vehicle in any case where the excise duty in respect of the vehicle under the Vehicles (Excise) Act, 1949, is chargeable at the rate applicable to vehicles specified in paragraph (*a*) of subsection (2) of section four of that Act and the vehicle is being driven for one of the purposes for which it must be solely used if the duty is to remain chargeable at that rate.

Applications for, and grant of, heavy goods vehicles drivers' licences.

**193.**—(1) The person who is the chairman of the traffic commissioners for any traffic area constituted for the purposes of Part III of this Act or is the traffic commissioner for the Metropolitan Traffic Area so constituted, including any person for the time being appointed by the Minister to act as deputy to the chairman or commissioner, shall have the power and be charged with the duty of granting licences (in this Part of this Act referred to as "heavy goods vehicle drivers' licences") under this Part of this Act and is in this Part of this Act referred to as "the licensing authority", and an application for such a licence shall be made to the licensing authority of the traffic area in which the applicant for the licence resides.

(2) The licensing authority may require an applicant for a heavy goods vehicle driver's licence to satisfy him as to the applicant's competence to drive by subjection to a test, and to provide a vehicle for the purposes of the test.

(3) A heavy goods vehicle driver's licence may be limited to such class or classes of vehicles as may be specified in the licence; and for the purpose of enabling the licensing authority, where an applicant for such a licence is subjected to a test, to limit the licence to a class or classes of vehicles to which that test is appropriate, regulations may specify the class or classes of vehicles to which heavy goods vehicle drivers' licences may be limited under this subsection.

(4) A heavy goods vehicle driver's licence shall, unless previously revoked, continue in force for three years from the date on which it is expressed to take effect, but may at any time be suspended or revoked by the licensing authority of the area in which it was granted on the ground that, by reason of his conduct as a driver of a motor vehicle or of physical disability, the holder is not a fit person to hold such a licence; and during any time of suspension such a licence shall be of no effect.

Power to issue heavy goods vehicle drivers' licences as provisional licences.

**194.**—(1) For the purpose of enabling an applicant to learn to drive a heavy goods vehicle with a view to passing a test under subsection (2) of the last foregoing section, the licensing authority may issue to him a heavy goods vehicle driver's licence as a provisional licence.

(2) A licence issued by virtue of this section shall be subject to the prescribed conditions, and if the person to whom it is issued fails to comply with any of the conditions he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(3) Notwithstanding anything in subsection (4) of the last foregoing section, a licence issued by virtue of this section shall continue in force, unless previously revoked, for three months from the date on which it is expressed to take effect.

Appeal against refusal, suspension or revocation of heavy goods vehicle driver's licence.

**195.**—(1) A person who, being the holder of, or an applicant for, a heavy goods vehicle driver's licence, feels aggrieved by the refusal or failure of the licensing authority to grant, or by the suspension or revocation of, such a licence, or by any limitation imposed thereon, may by notice in writing to the licensing authority require him to reconsider the matter, and shall on a reconsideration be entitled to be heard either personally or by his representative.

(2) A person who is so aggrieved as aforesaid, or who is dissatisfied with the decision of the licensing authority on reconsideration of the matter, may appeal—

(*a*) if he resides in England or Wales, to a magistrates' court acting for the petty sessions area in which he resides,

(*b*) if he resides in Scotland, to the sheriff within whose jurisdiction he resides,

and on any such appeal the court or sheriff may make such order as it or he thinks fit and an order so made shall be binding on the licensing authority.

(3) Where the applicant for a heavy goods vehicle driver's licence, who is at the date of his application the holder of such a licence (other than one issued as a provisional licence), appeals under this section on the ground of refusal or failure to grant the licence, the existing licence shall continue in force until the appeal has been disposed of notwithstanding that it would otherwise have expired.

Fees for heavy goods vehicle drivers' licences.

**196.**—(1) There shall be charged by licensing authorities in respect of the grant of heavy goods vehicle drivers' licences such fees as may be prescribed.

(2) All fees received by licensing authorities in respect of the grant of such licences shall be paid into the Exchequer in such manner as the Treasury may direct.

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Regulations for purposes of Part V.

**197.** Section one hundred and sixty of this Act shall apply in relation to this Part of this Act as it applies in relation to Part III thereof, as if references therein to the said Part III included references to this Part of this Act and as if references therein to drivers, and to classes, of public service vehicles included references to drivers, and to classes, of heavy goods vehicles.

Transitional provisions as to certain heavy goods vehicle drivers' licences.

**198.** The provisions of the Fifteenth Schedule to this Act shall have effect in connection with the coming into operation of section one hundred and ninety-two of this Act, and shall have effect notwithstanding anything in that section or in section one hundred and ninety-three of this Act.

Interpretation of Part V.

**199.**—(1) In this Part of this Act and the Fifteenth Schedule thereto, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

"the appointed day" means such day as the Minister may by order appoint;

"heavy goods vehicle" means a vehicle of any of the following classes which is constructed or adapted for hauling or carrying goods or burden of any description, that is to say, a heavy locomotive, a light locomotive, a motor tractor, a heavy motor car and a motor car so constructed that a trailer may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne thereby;

"prescribed" means prescribed by regulations;

"regulations" means regulations made under section one hundred and sixty of this Act by virtue of section one hundred and ninety-seven thereof.

(2) The power to make an order conferred by the foregoing subsection shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and shall include power exercisable in the like manner to vary or revoke the order by a subsequent order.

Restriction on institution in England and Wales of proceedings under Part V.

**200.** Proceedings for an offence under this Part of this Act shall not, in England or Wales, be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by the traffic commissioners, a chief officer of police or the council of a county, county borough or county district.

## PART VI

## THIRD-PARTY LIABILITIES

*Compulsory Insurance or Security against Third-Party Risks*

Users of motor vehicles to be insured or secured against third-party risks.

**201.**—(1) Subject to the provisions of this Part of this Act, it shall not be lawful for a person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of this Part of this Act.

(2) If a person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(3) A person charged with using a motor vehicle in contravention of this section shall not be convicted if he proves that the vehicle did not belong to him and was not in his possession under a contract of hiring or of loan, that he was using the vehicle in the course of his employment and that he neither knew nor had reason to believe that there was not in force in relation to the vehicle such a policy of insurance or security as is mentioned in subsection (1) of this section.

(4) This Part of this Act shall not apply to invalid carriages.

Exceptions from requirement of third-party insurance or security.

**202.**—(1) The last foregoing section shall not apply to a vehicle owned by a person who has deposited and keeps deposited with the Accountant General of the Supreme Court for and on behalf of the Supreme Court the sum of fifteen thousand pounds, at a time when the vehicle is being driven under the owner's control.

(2) The last foregoing section shall not apply—

(*a*) to a vehicle owned by the council of a county, county borough or county district in England or Wales, the Common Council of the City of London, the council of a metropolitan borough, a county, town or district council in Scotland, or by a joint board or joint committee in England or Wales, or joint committee in Scotland, which is so constituted as to include among its members representatives of any such council, at a time when the vehicle is being driven under the owner's control;

(*b*) to a vehicle owned by a police authority or the Receiver for the metropolitan police district, at a time when it is being driven under the owner's control, or to a vehicle at a time when it is being driven for police

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purposes by or under the direction of a police constable, or by a person employed by a police authority, or employed by the said Receiver; or

(*c*) to a vehicle at a time when it is being driven on a journey to or from any place undertaken for salvage purposes pursuant to Part IX of the Merchant Shipping Act, 1894;

(*d*) to the use of a vehicle for the purpose of its being furnished in pursuance of a direction under paragraph (*b*) of subsection (2) of section one hundred and sixty-six of the Army Act, 1955, or under the corresponding provision of the Air Force Act, 1955.

(3) In the application of this section to England and Wales "police authority" has the same meaning as in the Police Pensions Act, 1921, and in the application of this section to Scotland that expression has the same meaning as in the Police (Scotland) Act, 1956.

Requirements in respect of policies of insurance.

**203.**—(1) In order to comply with the requirements of this Part of this Act, a policy of insurance must satisfy the following conditions.

(2) The policy must be issued by an authorised insurer, that is to say, a person or body of persons carrying on motor vehicle insurance business in Great Britain.

(3) Subject to the following subsection, the policy—

(*a*) must insure such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by, or arising out of, the use of the vehicle on a road; and

(*b*) must also insure him or them in respect of any liability which may be incurred by him or them under the provisions of this Part of this Act relating to payment for emergency treatment.

(4) The policy shall not, by virtue of paragraph (*a*) of the last foregoing subsection, be required to cover—

(*a*) liability in respect of the death of, or bodily injury to, persons being carried in or upon, or entering or getting on to or alighting from, the vehicle at the time of the occurrence of the event out of which the claims arise; or

(*b*) liability in respect of the death, arising out of and in the course of his employment, of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment; or

(*c*) any contractual liability: PART VI

Provided that paragraph (*a*) of this subsection shall not have effect in the case of a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment.

Requirements in respect of securities.

**204.**—(1) In order to comply with the requirements of this Part of this Act, a security must satisfy the following conditions.

(2) The security must be given either by an authorised insurer or by some body of persons which carries on in the United Kingdom the business of giving securities of a like kind and has deposited and keeps deposited with the Accountant General of the Supreme Court for and on behalf of the Supreme Court the sum of fifteen thousand pounds in respect of that business.

(3) The security must consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein, and up to the amount—

(*a*) in the case of an undertaking relating to the use of public service vehicles, of not less than twenty-five thousand pounds,

(*b*) in any other case, of not less than five thousand pounds,

any failure by the owner of the vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any liability which may be incurred by him or them, being a liability required under the last foregoing section to be covered by a policy of insurance.

Issue and surrender of certificates of insurance and of security.

**205.**—(1) A policy of insurance shall be of no effect for the purposes of this Part of this Act unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Part of this Act referred to as a " certificate of insurance ") in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed.

(2) A security shall be of no effect for the purposes of this Part of this Act unless and until there is delivered by the person giving the security to the person to whom it is given a certificate (in this Part of this Act referred to as a " certificate of security ") in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed.

(3) Different forms and different particulars may be prescribed for the purposes of subsection (1) or (2) of this section in relation to different cases or circumstances.

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(4) Where a certificate has been delivered under this section and the policy or security to which it relates is cancelled by mutual consent or by virtue of any provision in the policy or security, the person to whom the certificate was delivered shall, within seven days from the taking effect of the cancellation, surrender the certificate to the person by whom the policy was issued or the security was given or, if the certificate has been lost or destroyed, make a statutory declaration to that effect.

(5) A person who fails to comply with the last foregoing subsection shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

Avoidance of certain exceptions to policies or securities.

**206.**—(1) Where a certificate of insurance or certificate of security has been delivered under the last foregoing section to the person by whom a policy has been effected or to whom a security has been given, so much of the policy or security as purports to restrict, as the case may be, the insurance of the persons insured by the policy or the operation of the security by reference to any of the following matters, that is to say,—

(*a*) the age or physical or mental condition of persons driving the vehicle, or

(*b*) the condition of the vehicle, or

(*c*) the number of persons that the vehicle carries, or

(*d*) the weight or physical characteristics of the goods that the vehicle carries, or

(*e*) the times at which or the areas within which the vehicle is used, or

(*f*) the horsepower or cylinder capacity or value of the vehicle, or

(*g*) the carrying on the vehicle of any particular apparatus, or

(*h*) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under the Vehicles (Excise) Act, 1949,

shall, as respects such liabilities as are required to be covered by a policy under section two hundred and three of this Act, be of no effect:

Provided that nothing in this subsection shall require an insurer or the giver of a security to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer or the giver of a security in or towards the discharge of any liability of any person which is covered by the policy or security by virtue only

of this subsection shall be recoverable by the insurer or giver of the security from that person.

(2) A condition in a policy or security issued or given for the purposes of this Part of this Act, providing that no liability shall arise under the policy or security, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security, shall be of no effect in connection with such liabilities as are required to be covered by a policy under section two hundred and three of this Act:

Provided that nothing in this subsection shall be taken to render void any provision in a policy or security requiring the person insured or secured to pay to the insurer or the giver of the security any sums which the latter may have become liable to pay under the policy or security and which have been applied to the satisfaction of the claims of third parties.

(3) Notwithstanding anything in any enactment, a person issuing a policy of insurance under section two hundred and three of this Act shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

Duty of insurers or persons giving security to satisfy judgments against persons insured or secured against third-party risks.

**207.**—(1) If, after a certificate of insurance or certificate of security has been delivered under section two hundred and five of this Act to the person by whom a policy has been effected or to whom a security has been given, judgment in respect of any such liability as is required to be covered by a policy of insurance under section two hundred and three of this Act (being a liability covered by the terms of the policy or security to which the certificate relates) is obtained against any person who is insured by the policy or whose liability is covered by the security, as the case may be, then, notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy or security, he shall, subject to the provisions of this section, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

(2) No sum shall be payable by an insurer under the foregoing provisions of this section—

(*a*) in respect of any judgment, unless before or within seven days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings; or

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(*b*) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or

(*c*) in connection with any liability, if before the happening of the event which was the cause of the death or bodily injury giving rise to the liability, the policy or security was cancelled by mutual consent or by virtue of any provision contained therein, and either—

(i) before the happening of the said event the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made a statutory declaration stating that the certificate had been lost or destroyed, or

(ii) after the happening of the said event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy or security, the certificate was surrendered to the insurer, or the person to whom it was delivered made such a statutory declaration as aforesaid; or

(iii) either before or after the happening of the said event, but within the said period of fourteen days, the insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate.

(3) No sum shall be payable by an insurer under the foregoing provisions of this section if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy or security, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular, or, if he has avoided the policy or security on that ground, that he was entitled so to do apart from any provision contained in it:

Provided that an insurer who has obtained such a declaration as aforesaid in an action shall not thereby become entitled to the benefit of this subsection as respects any judgment obtained in proceedings commenced before the commencement of that action unless before, or within seven days after, the commencement of that action he has given notice thereof to the person who is the plaintiff in the said proceedings specifying the non-disclosure or false representation on which he proposes to rely; and a person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party thereto.

(4) If the amount which an insurer becomes liable under this section to pay in respect of a liability of a person who is insured by a policy or whose liability is covered by a security exceeds the amount for which he would, apart from the provisions of this section, be liable under the policy or security in respect of that

liability, he shall be entitled to recover the excess from that person. PART VI

(5) In this section—

(*a*) " insurer " includes a person giving a security;

(*b*) " material " means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk and, if so, at what premium and on what conditions; and

(*c*) " liability covered by the terms of the policy or security " means a liability which is covered by the policy or security or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy or security.

(6) In the application of this section to Scotland, the words " by virtue of any enactment relating to interest on judgments " in subsection (1) shall be omitted and for the reference in the proviso to subsection (3) to a plaintiff there shall be substituted a reference to a pursuer.

Bankruptcy, &c., of insured or secured persons not to affect claims by third parties.

**208.**—(1) Where, after a certificate of insurance or certificate of security has been delivered under section two hundred and five of this Act to the person by whom a policy has been effected or to whom a security has been given, any of the following events happens, that is to say,—

(*a*) the person by whom the policy was effected or to whom the security was given becomes bankrupt or makes a composition or arrangement with his creditors;

(*b*) the said person dies, and an order is made under section one hundred and thirty of the Bankruptcy Act, 1914, for the administration of his estate according to the law of bankruptcy;

(*c*) if the said person is a company, a winding-up order is made with respect to the company or a resolution for a voluntary winding up is passed with respect thereto, or a receiver or manager of the company's business or undertaking is duly appointed or possession is taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge,

the happening of that event shall, notwithstanding anything in the Third Parties (Rights Against Insurers) Act, 1930, not affect any such liability of the said person as is required to be covered by a policy of insurance under section two hundred and three of this Act, but nothing in this subsection shall affect any rights conferred by that Act on the person to whom the liability was incurred, being rights so conferred against the person by whom the policy was issued or the security was given.

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(2) In the application of this section to Scotland "company" includes a limited partnership, and the reference to an order's being made under section one hundred and thirty of the Bankruptcy Act, 1914, for the administration of a person's estate according to the law of bankruptcy shall be deemed to include a reference to an award's being made of sequestration of his estate and a reference to an appointment's being made under section one hundred and sixty-three of the Bankruptcy (Scotland) Act, 1913, of a judicial factor to administer his estate.

Duty to give information as to insurance or security where claim made.

**209.**—(1) A person against whom a claim is made in respect of any such liability as is required to be covered by a policy of insurance under section two hundred and three of this Act shall, on demand by or on behalf of the person making the claim—

(*a*) state whether or not, in respect of that liability, he was insured by a policy having effect for the purposes of this Part of this Act or had in force a security having effect for those purposes, or would have been so insured or would have had in force such a security if the insurer or, as the case may be, the giver of the security had not avoided or cancelled the policy or security, and

(*b*) if he was or would have been so insured, or had or would have had in force such a security, give such particulars with respect to that policy or security as were specified in the certificate of insurance or security delivered in respect of that policy or security, as the case may be, under section two hundred and five of this Act.

(2) If, without reasonable excuse, a person fails to comply with the provisions of the foregoing subsection, or wilfully makes a false statement in reply to any such demand as aforesaid, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

Deposits.

**210.**—(1) Where a person has deposited a sum with the Accountant General of the Supreme Court under section two hundred and two or two hundred and four of this Act, then so long as any liabilities incurred by him, being such liabilities as are required to be covered by a policy of insurance under section two hundred and three of this Act, have not been discharged or otherwise provided for no part of that sum shall be applicable in discharge of any other liabilities incurred by him.

(2) Any regulations made, or having effect as if made, by the Board of Trade under section twenty of the Insurance Companies Act, 1958, which apply to deposits made by insurers carrying on motor vehicle insurance business shall, with such necessary modifications and adaptations as, after consultation with the

Lord Chancellor, may be prescribed, apply to deposits made with the said Accountant General under section two hundred and two or two hundred and four of this Act; and there may, after such consultation as aforesaid, be made by regulations with respect to the said deposits such provision as might be made by the Board of Trade under section twenty of the said Act of 1958 with respect to deposits under that Act had subsection (2) of that section been omitted therefrom.

Power to require evidence of insurance or security on application for vehicle excise licence.

**211.** Provision may be made by regulations under section twenty-five of the Vehicles (Excise) Act, 1949, for requiring a person applying for a licence under that Act in respect of a motor vehicle to produce such evidence as may be prescribed that either—

(*a*) on the date when the licence comes into operation there will be in force the necessary policy of insurance or the necessary security in relation to the user of the vehicle by the applicant or by other persons on his order or with his permission; or

(*b*) the vehicle is a vehicle to which section two hundred and one of this Act does not apply at a time when it is being driven under the owner's control.

*Payments for Treatment of traffic Casualties*

Payment for hospital treatment of traffic casualties.

**212.**—(1) Where a payment, other than a payment under the next following section, is made (whether or not with an admission of liability)—

(*a*) by an authorised insurer, the payment being made under or in consequence of a policy issued under section two hundred and three of this Act, or

(*b*) by the owner of a vehicle in relation to the user of which a security under this Part of this Act is in force, or

(*c*) by the owner of a vehicle who has made a deposit under this Part of this Act,

in respect of the death of, or bodily injury to, any person arising out of the use of a motor vehicle on a road or in a place to which the public have a right of access, and the person who has so died or been bodily injured has to the knowledge of the insurer or owner, as the case may be, received treatment at a hospital, whether as an in-patient or as an out-patient, in respect of the injury so arising, the insurer or owner shall pay the expenses reasonably incurred by the hospital in affording the treatment, after deducting from the expenses any moneys actually received in payment of a specific charge for the treatment, not being moneys received under any contributory scheme:

Provided that the amount to be paid shall not exceed fifty pounds for each person treated as an in-patient, or five pounds for each person treated as an out-patient.

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(2) For the purposes of this section "expenses reasonably incurred" means—

(*a*) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day he is maintained in the hospital representing the average daily cost, for each in-patient, of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the in-patients therein; and

(*b*) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.

Payment for emergency treatment of traffic casualties.

**213.**—(1) Where medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to a person caused by, or arising out of, the use of a motor vehicle on a road, and the treatment or examination so required (in this Part of this Act referred to as "emergency treatment") is effected by a legally qualified medical practitioner, the person who was using the vehicle at the time of the event out of which the bodily injury arose shall, on a claim's being made in accordance with the provisions of the next following section, pay to the practitioner, or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected—

(*a*) a fee of twelve shillings and sixpence in respect of each person in whose case the emergency treatment is effected by him; and

(*b*) a sum, in respect of any distance in excess of two miles which he must cover in order to proceed from the place whence he is summoned to the place where the emergency treatment is carried out by him and to return to the first-mentioned place, equal to sixpence for every complete mile and additional part of a mile of that distance.

(2) Where emergency treatment is first effected in a hospital, the provisions of the foregoing subsection with respect to payment of a fee shall, so far as applicable, but subject (as regards the recipient of a payment) to the provisions of the next following section, have effect with the substitution of references to the hospital for references to a legally qualified medical practitioner.

(3) Liability incurred under this section by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

Supplementary provisions as to payments for treatment.

**214.**—(1) A payment falling to be made under either of the two last foregoing sections in respect of treatment in a hospital shall be made—

(*a*) in the case of a hospital vested in the Minister of Health for the purposes of the National Health Service Act, 1946, not being a teaching hospital (within the meaning of that Act), to the Regional Hospital Board for the area where the hospital is situated,

(*b*) in the case of such a teaching hospital, to the Board of Governors of the hospital,

(*c*) in the case of a hospital vested in the Secretary of State, to the Secretary of State or on his behalf to any Regional Hospital Board or Board of Management authorised by him for the purpose,

(*d*) in the case of any other hospital, to the hospital.

(2) A claim for a payment under the last foregoing section may be made at the time when the emergency treatment is effected, by oral request to the person who was using the vehicle, and if not so made must be made by request in writing served on him within seven days from the day on which the emergency treatment was effected; and any such request in writing—

(*a*) must be signed by the claimant or in the case of a hospital, by an executive officer of the Board or hospital claiming the payment or by an officer of the Secretary of State, must state the name and address of the claimant, the circumstances in which the emergency treatment was effected, and that it was first effected by the claimant or, in the case of a hospital, in the hospital,

(*b*) may be served by delivering it to the person who was using the vehicle or by sending it in a prepaid registered letter addressed to him at his usual or last-known address.

(3) A sum payable under the last foregoing section shall be recoverable as if it were a simple contract debt due from the person who was using the vehicle to the practitioner, Board or hospital, or the Secretary of State.

(4) A payment made under the last foregoing section shall operate as a discharge, to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital concerned of or for effecting the emergency treatment.

(5) A chief officer of police shall, if so requested by a person who alleges that he is entitled to claim a payment under the last foregoing section, furnish to that person any information at the disposal of the chief officer as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose and as to the identity and address of the person who was using the vehicle at the time of the event out of which it arose.

PART VI *Supplementary*

Regulations for purposes of Part VI.

**215.** The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act and generally for the purpose of carrying this Part of this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations—

(*a*) as to the forms to be used for the purposes of this Part of this Act;

(*b*) as to applications for and the issue of certificates of insurance and certificates of security and any other documents which may be prescribed, and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Minister or a chief officer of police;

(*c*) as to the issue of copies of any such certificates or other documents which are lost or destroyed;

(*d*) as to the custody, production, cancellation and surrender of any such certificates or other documents;

(*e*) for providing that any provisions of this Part of this Act shall, in relation to vehicles brought into Great Britain by persons making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed.

Interpretation of Part VI.

**216.**—(1) In this Part of this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

" authorised insurer " has the meaning assigned to it by subsection (2) of section two hundred and three of this Act;

" hospital " means an institution, not being an institution carried on for profit, which provides medical or surgical treatment for in-patients;

" policy of insurance " includes a covering note;

" prescribed " means prescribed by regulations;

" regulations " means regulations made under the last foregoing section;

" under the owner's control " means, in relation to a vehicle, that it is being driven by the owner or by a servant of the owner in the course of his employment or is otherwise subject to the control of the owner.

(2) In any provision of this Part of this Act relating to the surrender, or the loss or destruction, of a certificate of insurance

or certificate of security, references to such a certificate shall, in relation to policies or securities under which more than one certificate is issued, be construed as references to all the certificates and shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

## PART VII

## MISCELLANEOUS AND GENERAL

### *Penalisation of taking motor Vehicle without Authority*

**Penalisation of taking motor vehicle without authority.**

**217.**—(1) A person who takes and drives away a motor vehicle without having either the consent of the owner thereof or other lawful authority shall (subject to the next following subsection) be liable—

(*a*) on conviction on indictment, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment;

(*b*) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(2) If on proceedings under this section on indictment the jury, or on summary proceedings under this section the court, are satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked therefor, the accused shall not be liable to be convicted of the offence.

(3) If on the trial of an indictment for stealing a motor vehicle the jury are of the opinion that the defendant was not guilty of stealing the motor vehicle but was guilty of an offence under this section, the jury may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(4) A police constable may arrest without warrant a person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

### *Ancillary Provisions for preventing, or mitigating Effects of, Accidents*

**Penalisation of tampering with motor vehicles.**

**218.** If, while a motor vehicle is on a road or on a parking place provided by a local authority, a person otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers with the brake or other part of its mechanism, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

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Penalisation of holding or getting on to vehicle in order to be towed or carried.

**219.** If a person otherwise than with lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion on a road, for the purpose of being drawn or carried, he shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

Control of dogs on roads.

**220.**—(1) A person who causes or permits a dog to be on a designated road without the dog being held on a lead shall be liable on summary conviction to a fine not exceeding five pounds.

(2) In this section " designated road " means a length of road specified by an order in that behalf of the local authority in whose area the length of road is situated.

(3) An order under this section may provide that subsection (1) thereof shall apply subject to such limitations or exceptions as may be specified in the order, and (without prejudice to the generality of this subsection) the said subsection (1) shall not apply to dogs proved to be kept for driving or tending sheep or cattle in the course of a trade or business, or to have been at the material time in use under proper control for sporting purposes.

(4) An order under this section shall not be made except after consultation with the chief officer of police, and shall not have effect unless confirmed by the appropriate Minister; and subsections (3) to (8) of section two hundred and fifty of the Local Government Act, 1933, or in Scotland subsections (4), (5), (7) and (11) to (13) of section three hundred and one of the Local Government (Scotland) Act, 1947, shall apply to orders under this section and the confirmation thereof as they apply to byelaws and the confirmation thereof.

(5) In England or Wales a local authority may institute proceedings for an offence under this section relating to a road in their area.

(6) In this section " local authority " means the council of a county borough or county district, the Common Council of the City of London or the council of a metropolitan borough, or in Scotland a county council or a town council.

(7) The power conferred by this section to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke it.

Protective helmets for motor cyclists.

**221.**—(1) The Minister may make regulations prescribing (by reference to shape, construction or any other quality) types of helmet recommended as affording protection to persons on or in motor cycles, or motor cycles of different classes or descriptions, from injury in the event of accident.

(2) If a person sells, or offers for sale, a helmet as a helmet for affording protection as aforesaid, and the helmet is neither—

(*a*) of a type prescribed under this section, nor

(*b*) of a type authorised under regulations made under this section and sold or offered for sale subject to any conditions specified in the authorisation,

he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment:

Provided that a person shall not be convicted of an offence under this section in respect of the sale or offer for sale of a helmet if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.

(3) In England or Wales the council of a county, of a borough or of an urban district or the Common Council of the City of London may institute proceedings for an offence under this section.

(4) The provisions of the Sixteenth Schedule to this Act shall have effect in relation to contraventions of this section.

(5) In this section and in the said Schedule " helmet " includes any head-dress, and references in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

Control of driving over Menai bridge.

**222.**—(1) A motor vehicle shall not be driven on or over the Menai bridge except in accordance with and subject to any restrictions contained in regulations made by the Minister.

(2) Different regulations may be made under this section as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.

(3) A person who acts in contravention of subsection (1) of this section shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

*Power of Police to stop Vehicles, and Weighing of Vehicles*

Power of police to stop vehicles.

**223.** A person driving a motor vehicle on a road and a person riding on a road a bicycle or tricycle, not being a motor vehicle, shall stop the same on being so required by a police constable in uniform, and if he fails so to do shall be liable on summary conviction to a fine not exceeding five pounds.

Weighing of motor vehicles

**224.**—(1) Subject to any regulations made by the appropriate Minister, it shall be lawful for a person authorised by a highway

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authority, or for a police constable authorised on behalf of a highway authority by a police authority or a chief officer of police, on production of his authority, to require the person in charge of a motor vehicle to allow the vehicle or any trailer drawn thereby to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles; and if a person in charge of a motor vehicle refuses or neglects to comply with any such requirement, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months:

Provided that it shall not be lawful for a person or police constable so authorised to require the person in charge of the motor vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of its being weighed unladen.

(2) If at the time when the requirement is made the vehicle is more than one mile from the weighbridge or other machine, and the weight is found to be within the limits authorised by law the highway authority on whose behalf the requirement is made shall pay, in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator agreed upon by the parties, or in default of agreement appointed by the Minister or, where the requirement is made in Scotland, by the Secretary of State.

(3) Where a motor vehicle or trailer is weighed under this section, a certificate of weight shall be given to the person in charge of the vehicle, and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.

(4) A certifying officer appointed under Part III of this Act or an examiner appointed under Part IV thereof may at any time, on production of his authority, exercise with respect to the weighing of goods vehicles (within the meaning of the said Part IV) all such powers as are under the foregoing provisions of this section exercisable by a police constable authorised as therein mentioned with respect to the weighing of motor vehicles and trailers, and the said provisions shall apply accordingly with the substitution, in subsection (2), for references to the highway authority on whose behalf the requirement is made, the Minister and the Secretary of State, of references respectively to the Minister, the Lord Chief Justice of England and the Lord President of the Court of Session.

(5) In the application of this section to England and Wales "police authority" has the same meaning as in the Police

Pensions Act, 1921, and in the application of this section to Scotland that expression has the same meaning as in the Police (Scotland) Act, 1956. PART VII

*Production of Documents and Furnishing of Information.*

Power of police constables to require production of driving licences.

**225.**—(1) Any such person as follows, that is to say,—

(*a*) a person driving a motor vehicle on a road, or

(*b*) a person whom a police constable has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road, or

(*c*) a person whom a police constable has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road, or

(*d*) a person who accompanies the holder of a provisional licence granted under section one hundred and two of this Act while the holder is driving a motor vehicle on a road or whom a police constable has reasonable cause to believe to have accompanied the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road,

shall, on being so required by a police constable, produce for examination his licence to drive a motor vehicle granted under Part II of this Act, so as to enable the constable to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which it was issued.

(2) Where a licence to drive a motor vehicle granted under Part II of this Act has been revoked by a licensing authority under subsection (6) of section one hundred thereof then if the holder of the licence fails to deliver it to that authority for cancellation as required by that subsection a police constable may require him to produce it, and upon its being produced may seize it and deliver it for cancellation to the licensing authority who revoked it.

(3) Where a police constable has reasonable cause to believe that the person to whom a licence to drive a motor vehicle has been granted under Part II of this Act, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the licence the constable may require the holder of the licence to produce it to him.

(4) If a person required under the foregoing provisions of this section to produce a licence to a police constable fails to do so he shall be liable on summary conviction to a fine not exceeding five pounds:

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Provided that if within five days after the production of his licence was so required he produces the licence in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this subsection.

Power of police constables to obtain names and addresses of drivers, and others, and to require production of evidence of insurance or security and test certificates.

**226.**—(1) Any such person as follows, that is to say,—

(*a*) a person driving on a road a motor vehicle (other than an invalid carriage);

(*b*) a person whom a police constable has reasonable cause to believe to have been the driver of a motor vehicle (other than an invalid carriage) at a time when an accident occurred owing to its presence on a road; or

(*c*) a person whom a police constable has reasonable cause to believe to have committed an offence in relation to the use on a road of a motor vehicle (other than an invalid carriage),

shall, on being so required by a police constable, give his name and address and the name and address of the owner of the vehicle and produce for examination—

(i) the relevant certificate of insurance or certificate of security within the meaning of Part VI of this Act, or such other evidence that the vehicle is not or was not being driven in contravention of section two hundred and one thereof as may be prescribed by regulations made by the Minister, and

(ii) in relation to a vehicle to which section sixty-six of this Act applies, a test certificate issued in respect thereof as mentioned in subsection (1) of that section,

and if he fails to do so he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months:

Provided that a person shall not be convicted of an offence under this subsection by reason only of failure to produce any certificate or other evidence to a constable if, within five days after the date on which the production of the certificate or other evidence was required, he produces the same in person at such police station as may have been specified by him at the time when its production was required.

(2) A person who accompanies the holder of a provisional licence granted under section one hundred and two of this Act while the holder is driving on a road a motor vehicle (other than an invalid carriage) or whom a police constable has reasonable cause to believe to have accompanied the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the

said holder in relation to the use of the vehicle on a road shall, on being so required by a police constable, give his name and address and the name and address of the owner of the vehicle, and if he fails to do so he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(3) Where a person convicted of an offence under either of the two foregoing subsections has been previously convicted of an offence under the other of them, he shall be treated for the purposes of the subsection under which he is convicted as having been previously convicted thereunder.

Powers of certifying officers, examiners, and police constables as respects goods vehicles.

**227.**—(1) A certifying officer appointed under Part III of this Act or an examiner appointed under Part IV thereof may at any time, on production if so required of his authority, require the person in charge of any goods vehicle (within the meaning of the said Part IV) to produce, and permit him to inspect and copy, any document which by or by regulations made under the said Part IV is required to be carried on, or by the driver of, the vehicle, and for that purpose may detain the vehicle for such time as is required for the inspection and copying; and if a person, when required by such a certifying officer or examiner as aforesaid so to do, fails to produce to the officer or examiner any such document as aforesaid, or to permit him to inspect or copy any such document, that person shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

(2) The provisions of the foregoing subsection shall apply in relation to a police constable as they apply in relation to an examiner, except that it shall not be necessary for a police constable wearing uniform to produce any authority.

(3) A certifying officer appointed under Part III of this Act or an examiner appointed under Part IV thereof may at any time, on production if so required of his authority, exercise in the case of goods vehicles (within the meaning of the said Part IV) all such powers as are, under subsection (1) of section two hundred and twenty-five of this Act or under the last foregoing section, exercisable by a police constable.

Penalisation of failure to give name and address, and power of arrest, in case of reckless or careless driving or cycling.

**228.**—(1) Any such person as the following, namely—

(*a*) the driver of a motor vehicle who is alleged to have committed an offence against subsection (1) of section two of this Act or subsection (1) of section three thereof; or

(*b*) the rider of a bicycle or tricycle who is alleged to have committed an offence against section nine of this Act or subsection (1) of section ten thereof;

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who refuses, on being so required by any person having reasonable ground for so requiring, to give his name or address, or gives a false name or address, shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(2) A police constable may—

(*a*) arrest without warrant the driver of a motor vehicle who within his view commits an offence against subsection (1) of section two of this Act or subsection (1) of section three thereof unless the driver either gives his name and address or produces for examination his licence to drive a motor vehicle granted under Part II of this Act;

(*b*) arrest without warrant the rider of a bicycle or tricycle who within his view commits an offence against section nine of this Act or subsection (1) of section ten thereof unless the rider gives his name and address.

Pedestrians to give names and addresses in certain cases.

**229.** A constable may require a person committing an offence against section fifteen of this Act to give his name and address, and if that person fails to do so he shall be liable on summary conviction to a fine not exceeding five pounds.

Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident.

**230.**—(1) If in a case where, owing to the presence on a road of a motor vehicle (other than an invalid carriage) an accident occurs involving personal injury to another person, the driver of the vehicle does not at the time produce to a police constable or some person who, having reasonable grounds for so doing, has required its production, such a certificate of insurance or security, or other evidence, as is mentioned in paragraph (i) of subsection (1) of section two hundred and twenty-six of this Act, the driver shall as soon as possible, and in any case within twenty-four hours of the occurrence of the accident, report the accident at a police station or to a police constable and thereupon produce such a certificate or other evidence as aforesaid, and if he fails to do so he shall (subject to the following subsection) be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(2) A person shall not be convicted of an offence under the foregoing subsection by reason only of a failure to produce a certificate or other evidence if, within five days after the occurrence of the accident, he produces the same in person at such police station as may be specified by him at the time when the accident was reported.

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Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance or security.

**231.**—(1) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by or on behalf of a chief officer of police to give for the purpose of determining whether the vehicle was or was not being driven in contravention of section two hundred and one of this Act on any occasion when the driver was required under subsection (1) of section two hundred and twenty-six of this Act or the last foregoing section to produce such a certificate of insurance or security, or other evidence, as is mentioned in paragraph (i) of the said subsection (1).

(2) A person who fails to comply with the requirement of the foregoing subsection shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

Duty to give information as to identity of driver, &c., in certain cases.

**232.**—(1) This section applies—

(*a*) to any offence under Part I, II or III of this Act, except an offence against subsection (5) of section forty-one, subsection (4) of section sixty-seven or subsection (9) of section eighty-one (in its application to England and Wales);

(*b*) to any offence under subsection (1) of section one hundred and sixty-four or subsection (5) of section one hundred and eighty-four of this Act;

(*c*) to any offence under Part V or VI of this Act or the foregoing provisions of this Part of this Act;

(*d*) to any offence under the Road Transport Lighting Act, 1957; and

(*e*) to offences against any other enactment relating to the use of vehicles on roads.

(2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies—

(*a*) the owner of the vehicle shall give such information as to the identity of the driver as he may be required to give—

(i) by or on behalf of a chief officer of police, or

(ii) in the case of an offence against section eighty-eight of this Act, by or on behalf of a chief officer of police or, in writing, by or on behalf of the local authority for the parking place in question; and

(*b*) any other person shall if required as aforesaid give any information which it is in his power to give and may lead to the identification of the driver.

In this subsection references to the driver of a vehicle include references to the person riding a bicycle or tricycle (not being a motor vehicle).

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(3) A person who fails to comply with the requirement of paragraph (*a*) of the last foregoing subsection shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle or, as the case may be, the rider of the bicycle or tricycle, was, and a person who fails to comply with the requirement of paragraph (*b*) of that subsection shall be guilty of an offence; and a person guilty of an offence under this subsection shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

*Forgery, false Statements, &c.*

Forgery of documents, &c.

**233.**—(1) This section applies to the following documents and other things, namely,—

(*a*) any licence under any Part of this Act;

(*b*) any test certificate;

(*c*) any document, plate or mark by which, in pursuance of regulations made under Part IV of this Act, a vehicle is to be identified as being an authorised vehicle within the meaning of the said Part IV;

(*d*) any document evidencing the appointment of an examiner or other officer for the purposes of Part IV of this Act;

(*e*) any certificate of insurance or certificate of security under Part VI of this Act;

(*f*) any document issued under regulations made by the Minister in pursuance of his power under paragraph (i) of subsection (1) of section two hundred and twenty-six of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security.

(2) A person shall be guilty of an offence who, with intent to deceive,—

(*a*) forges or alters, or uses or lends to, or allows to be used by, any other person, a document or other thing to which this section applies, or

(*b*) makes or has in his possession any document or other thing so closely resembling a document or other thing to which this section applies as to be calculated to deceive.

In the application of this subsection to England and Wales, "forges" means forges within the meaning of the Forgery Act, 1913.

(3) A person guilty of an offence under the last foregoing subsection shall be liable—

(*a*) on conviction on indictment, to imprisonment for a term not exceeding two years;

(*b*) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment.

Falsification of records.

**234.** A person who, with intent to deceive, alters an entry made in a record under section one hundred and eighty-six of this Act or paragraph 14 of the Twelfth Schedule thereto shall be liable—

(*a*) on conviction on indictment, to imprisonment for a term not exceeding two years;

(*b*) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment.

False statements and withholding material information.

**235.**—(1) A person shall be guilty of an offence who knowingly makes a false statement for the purpose—

(*a*) of obtaining the grant of a licence under any Part of this Act to himself or any other person, or the variation of any such licence; or

(*b*) of preventing the grant or variation of any such licence; or

(*c*) of procuring the imposition of a condition or limitation in relation to any such licence.

(2) A person shall be guilty of an offence who makes a false statement or withholds any material information for the purpose of obtaining the issue—

(*a*) of a certificate of insurance or certificate of security under Part VI of this Act; or

(*b*) of any document issued under regulations made by the Minister in pursuance of his power under paragraph (i) of subsection (1) of section two hundred and twenty-six of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security.

(3) A person guilty of an offence under subsection (1) or subsection (2) of this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

Issue of false documents.

**236.** If a person issues any such document as is referred to in paragraph (*a*) or (*b*) of subsection (2) of the last foregoing section, or a test certificate, and the document or test certificate so issued

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is to his knowledge false in a material particular he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

Power to seize articles with respect to which offences under sections 233 to 236 may have been committed.

**237.**—(1) If a police constable has reasonable cause to believe that a document produced to him in pursuance of any of the foregoing provisions of this Part of this Act (other than a document produced by virtue of subsection (2) of section two hundred and twenty-seven) is a document in relation to which an offence has been committed under any of the four last foregoing sections, he may seize the document; and when a document is seized under this subsection, the person from whom it was taken shall, unless the document has been previously returned to him or he has been previously charged with an offence under any of those sections, be summoned before a magistrates' court to account for his possession of the said document and the court shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.

(2) If a police constable, a certifying officer appointed under Part III of this Act or an examiner appointed under Part IV thereof has reasonable cause to believe that a document or plate carried on a motor vehicle or by the driver thereof is a document or plate in relation to which an offence has been committed under any of the four last foregoing sections in so far as they apply—

(*a*) to carriers' licences under Part IV of this Act, or

(*b*) to documents or plates by which, in pursuance of regulations made under Part IV of this Act, vehicles are to be identified as being authorised vehicles within the meaning of the said Part IV, or

(*c*) to documents evidencing the appointment of examiners or other officers for the purposes of Part IV of this Act, or

(*d*) to records under section one hundred and eighty-six of this Act,

he may seize the document or plate; and when a document or plate is seized under this subsection, either the driver or the owner of the vehicle shall, if the document or plate is still detained and neither of them has previously been charged with an offence in relation thereto under any of the four last foregoing sections, be summoned before a magistrates' court to account for his possession of, or the presence on the vehicle of, the said document or plate and the court shall make such order respecting the disposal of the said document or plate and award such costs as the justice of the case may require.

For the purposes of this subsection the power to seize shall include power to detach from a vehicle.

(3) In the application of this section to Scotland for any reference to a magistrates' court there shall be substituted a reference to the sheriff.

Personation of, or of person employed by, authorised examiner.

**238.** If a person with intent to deceive falsely represents himself to be, or to be employed by, a person authorised by the Minister for the purposes of section sixty-five of this Act he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

*Penalty for Breach of Regulations and for Aiding, Abetting, &c., Commission of Offences in Scotland*

Penalty for breach of regulations.

**239.** If a person acts in contravention of, or fails to comply with, any regulations made by the Minister or the Secretary of State under this Act (other than regulations made under section twelve, thirty-four, forty-eight, forty-nine or sixty-five thereof) and contravention thereof, or failure to comply therewith, is not made an offence under any other provision of this Act, he shall for each offence be liable on summary conviction to such maximum penalty not exceeding a fine of twenty pounds as may be prescribed by the regulations.

Penalty for aiding, abetting, &c., commission of offences in Scotland.

**240.**—(1) A person who aids, abets, counsels, procures, or incites any other person to commit an offence against the foregoing provisions of this Act (not being any of the offences mentioned in the next following subsection) shall be guilty of an offence, and shall be liable on conviction to the same punishment as might be imposed on conviction of the first-mentioned offence, except that a person who aids, abets, counsels, procures or incites any person employed by him to drive, or subject to his orders in driving, a motor vehicle on a road to commit such an offence as is mentioned in subsection (1) of section four of this Act shall be liable to a fine not exceeding fifty pounds, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(2) The offences referred to in the foregoing subsection are offences under the following provisions of this Act, namely, section one, subsection (2) of section six, subsection (1) of section twelve, section fifteen, section seventeen, section thirty-seven, subsection (5) of section forty, subsection (5) of section forty-one, subsection (2) of section forty-eight, subsection (6) of section forty-nine, subsection (1) of section sixty-six, subsection (4) of section sixty-seven, section eighty-eight, subsection (2) of section one hundred and forty-eight, Part IV, subsection (1) of section two hundred and twenty, subsection (2) of section two hundred and twenty-one, section two hundred and twenty-seven, section two hundred and twenty-nine, section two hundred and thirty-four and section two hundred and thirty-eight, an offence under sub-

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section (4) of section two hundred and twenty-five consisting in a contravention of subsection (2) or (3) of that section, an offence under subsection (2) of section two hundred and thirty-three in connection with a licence under Part IV of this Act or in connection with a document or other thing referred to in paragraph (*c*) or (*d*) of subsection (1) of that section, and an offence under subsection (1) of section two hundred and thirty-five in connection with a licence under Part IV of this Act.

(3) This section shall extend only to Scotland and is without prejudice to the application of section thirty-one of the Criminal Justice (Scotland) Act, 1949, to the provisions referred to in the last foregoing subsection or to the subsequent provisions of this Act.

*Legal Proceedings and Destination of Fines*

Restrictions on prosecutions for certain offences.

**241.**—(1) This section applies to offences against any of the following provisions of this Act, namely,—

(*a*) subsection (1) of section two,
(*b*) subsection (1) of section three,
(*c*) section nine,
(*d*) subsection (1) of section ten,
(*e*) subsection (1) of section fourteen,
(*f*) section sixteen,
(*g*) subsection (1) of section nineteen, and
(*h*) subsection (1) of section twenty-four.

(2) Subject to the following provisions of this section, where a person is prosecuted for an offence to which this section applies he shall not be convicted unless either—

(*a*) he was warned at the time the offence was committed that the question of prosecuting him for some one or other of the offences to which this section applies would be taken into consideration ; or

(*b*) within fourteen days of the commission of the offence a summons (or, in Scotland, a complaint) for the offence was served on him ; or

(*c*) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed, was—

(i) except in the case of an offence against section nine or subsection (1) of section ten, served on or sent by registered post to him or the person, if any, registered as the owner of the vehicle at the time of the commission of the offence ;

(ii) in the said excepted case, served on or sent by registered post to him.

(3) The requirement of the last foregoing subsection shall in every case be deemed to have been complied with unless and until the contrary is proved.

(4) Failure to comply with the requirement of subsection (2) of this section shall not be a bar to the conviction of the accused in a case where the court is satisfied—

(*a*) that neither the name and address of the accused nor the name and address of the registered owner, if any, could with reasonable diligence have been ascertained in time for a summons or, as the case may be, a complaint to be served or for a notice to be served or sent in compliance with the said requirement; or

(*b*) that the accused by his own conduct contributed to the failure.

(5) A person may be convicted of an offence against subsection (1) of section two of this Act by virtue of subsection (2) or (3) of that section notwithstanding that the requirement of subsection (2) of this section has not been satisfied as respects that offence.

(6) A person may be convicted of an offence against subsection (1) of section three of this Act notwithstanding that the requirement of subsection (2) of this section has not been satisfied as respects that offence where—

(*a*) the charge for the said offence has been preferred against him by virtue of subsection (2) of the said section three; and

(*b*) the said requirement has been satisfied, or does not apply, as respects the alleged offence against subsection (1) of section two of this Act.

(7) A person may be convicted of an offence against subsection (1) of section ten of this Act notwithstanding that the requirement of subsection (2) of this section has not been satisfied as respects that offence where—

(*a*) the charge for the said offence has been preferred against him by virtue of subsection (2) of the said section ten; and

(*b*) the said requirement has been satisfied, or does not apply, as respects the alleged offence against section nine of this Act.

Evidence by certificate.

**242.**—(1) In any proceedings in England or Wales for an offence to which section two hundred and thirty-two of this Act applies a certificate in the prescribed form, purporting to be signed by a constable and certifying that a person specified in the certificate stated to the constable—

(*a*) that a particular motor vehicle was being driven by, or belonged to, that person on a particular occasion; or

(*b*) that a particular motor vehicle belonged on a particular occasion to a firm in which that person also stated that he was at the time of the statement a partner; or

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(*c*) that a particular motor vehicle belonged on a particular occasion to a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven, or to whom it belonged, as the case may be, on that occasion.

(2) Nothing in the foregoing subsection shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.

(3) Nothing in subsection (1) of this section shall be deemed to make a certificate admissible as evidence in proceedings for an offence—

(*a*) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence; or

(*b*) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.

(4) In this section "prescribed" means prescribed by rules made by the Secretary of State by statutory instrument.

Proof, in summary proceedings, of identity of driver of vehicle.

**243.** Where on the summary trial in England or Wales of an information for an offence to which section two hundred and thirty-two of this Act applies—

(*a*) it is proved to the satisfaction of the court, on oath or in manner prescribed by rules made under section fifteen of the Justices of the Peace Act, 1949, that a requirement under subsection (2) of the said section two hundred and thirty-two to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post; and

(*b*) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

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Time for commencing summary proceedings for certain offences.

**244.** Summary proceedings for an offence under section one hundred and ten, two hundred and one or two hundred and thirty-three of this Act, an offence under section two hundred and thirty-four thereof consisting in the alteration of an entry made in a record under section one hundred and eighty-six thereof, or an offence under section two hundred and thirty-five or two hundred and thirty-six thereof may be brought—

(*a*) within a period of six months from the date of the commission of the alleged offence, or

(*b*) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

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

**245.**—(1) An offence against the foregoing provisions of this Act committed in Scotland (not being any of the offences mentioned in the following subsection) for which the maximum penalty that may be imposed does not exceed twenty pounds may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1954, having jurisdiction in the place where the offence was committed.

(2) The offences referred to in the foregoing subsection are offences under the following provisions of this Act, namely subsection (1) of section twelve, section fifteen, section thirty-seven, subsection (2) of section forty-eight, subsection (1) of section sixty-six, subsection (4) of section sixty-seven, subsection (1) of section eighty-eight, subsection (2) of section one hundred and forty-eight, subsection (1) of section two hundred and twenty, subsection (2) of section two hundred and twenty-one, and section two hundred and twenty-nine, and an offence under subsection (4) of section two hundred and twenty-five consisting in a contravention of subsection (2) or (3) of that section.

Inclusion in indictment in Scotland of certain summary offences.

**246.**—(1) A contravention occurring in Scotland of any of the foregoing provisions of this Act or of any regulations made thereunder (other than a contravention of the provisions mentioned in the next following subsection or of regulations made thereunder) which is directed to be prosecuted summarily and which, if it had been triable on indictment, could competently have been libelled as an additional or alternative charge in an indictment charging a person with culpable homicide in respect of the driving or attempted driving or use of a motor vehicle, or with a contravention of section two or section six of this Act may, notwithstanding the direction aforesaid, be so libelled and may be tried accordingly.

(2) The contraventions referred to in the foregoing subsection are contraventions of the following provisions of this Act or of

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regulations made thereunder, namely, section twelve, section fifteen, section seventeen, section thirty-seven, section forty-one, subsection (2) of section forty-eight, subsection (1) of section sixty-six, subsection (4) of section sixty-seven, section eighty-eight, section one hundred and forty-eight, Part IV, subsection (1) of section two hundred and twenty, section two hundred and twenty-one, subsection (2) or (3) of section two hundred and twenty-five, section two hundred and twenty-seven, section two hundred and twenty-nine, subsection (1) of section two hundred and thirty-five in connection with a licence under Part IV of this Act, and section two hundred and thirty-eight.

(3) In this section any reference to a contravention of regulations includes a reference to a failure to comply with regulations.

Destination of fines.

**247.**—(1) All sums paid to the Secretary of State under section twenty-seven of the Justices of the Peace Act, 1949, in respect of fines imposed in respect of offences under the foregoing provisions of this Act or the regulations made thereunder (except offences under subsection (5) of section thirty-three, subsection (2) of section forty-eight, subsection (6) of section forty-nine, subsection (9) of section eighty-one, subsection (7) of section one hundred and forty-one or subsection (2) of section one hundred and forty-eight or offences under regulations made under section thirty-four) shall be deemed to be Exchequer moneys within the meaning of the said section twenty-seven.

(2) All fines imposed in respect of offences under this Act of which the offenders have been convicted on indictment (except an offence under subsection (1) of section one or subsection (2) of section six or an offence under section two hundred and thirty-four consisting in the alteration of an entry made in a record under paragraph 14 of the Twelfth Schedule) shall be paid into the Exchequer in the same manner as penalties and forfeitures recovered under or in pursuance of the Vehicles (Excise) Act, 1949, and in accordance with such directions as may be contained with respect to such penalties and forfeitures in any Order in Council for the time being in force under that Act, and so shall all fines imposed in respect of offences committed in Scotland under the foregoing provisions of this Act, or the regulations made thereunder, being offences of which the offenders have been convicted otherwise than on indictment (except offences under the following provisions, namely, subsection (2) of section six, subsection (1) of section twelve, section fifteen, section seventeen, subsection (2) of section forty-eight, subsection (6) of section forty-nine, subsection (1) of section sixty-six, subsection (4) of section sixty-seven, section eighty-eight, subsection (2) of section one hundred and forty-eight, subsection (1) of section two hundred and twenty, subsection (2) of section two hundred and twenty-one, section two

hundred and twenty-nine and section two hundred and thirty-eight, an offence under subsection (4) of section two hundred and twenty-five consisting in a contravention of subsection (2) or (3) of that section and an offence under section two hundred and thirty-four consisting in the alteration of an entry made in a record under paragraph 14 of the Twelfth Schedule).

*Inquiries*

General power to hold inquiries.

**248.** Without prejudice to any other provision of this Act, the Minister or the Secretary of State may hold inquiries for the purposes of this Act:

Provided that this section does not apply to any matter which under sections thirty to thirty-four of this Act falls to be considered by the London and Home Counties Traffic Advisory Committee.

General provisions as to inquiries.

**249.**—(1) Where under any of the provisions of this Act an inquiry is held by the Minister or the Secretary of State,—

(*a*) notice of the inquiry may be given and published in accordance with such general or special directions as the appropriate Minister may give;

(*b*) the appropriate Minister and, if authorised by him, the person appointed to hold the inquiry, may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or to produce any documents in his possession or power which relate to any matter in question at the inquiry, and are such as would be subject to production in a court of law;

(*c*) the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths;

(*d*) the appropriate Minister may make such order as to the payment of the costs incurred by him in connection with the inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and may certify the amount of the costs so incurred, and any amount so certified and directed by the appropriate Minister to be paid by any person shall be recoverable from that person, and shall be so recoverable, in England or Wales, either as a debt due to the Crown or by the Minister summarily as a civil debt, and in Scotland by the Secretary of State.

(2) If a person fails without reasonable excuse to comply with any of the provisions of an order under paragraph (*b*) of

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the foregoing subsection, he shall be liable on summary conviction to a fine not exceeding five pounds.

*Application to the Crown*

Application to the Crown.

**250.**—(1) Subject to the provisions of this section—

(*a*) Parts I and II of this Act, except sections thirty-four, thirty-seven to forty-one (both inclusive), forty-eight to fifty (both inclusive), eighty-one and ninety-one, and

(*b*) sections two hundred and seventeen to two hundred and twenty-five (both inclusive), two hundred and twenty-eight, two hundred and twenty-nine, two hundred and thirty-eight and two hundred and forty-one of this Act,

shall apply to vehicles and persons in the public service of the Crown.

(2) Section two hundred and twenty-six of this Act, in so far as it provides for the production of test certificates and the giving of names and addresses, shall apply to a person in connection with a vehicle to which section sixty-six of this Act applies notwithstanding that he or the driver is or was at any material time in the public service of the Crown.

(3) Sections sixty-nine and seventy-three of this Act, and section ninety-seven thereof (in so far as it imposes restrictions on persons under twenty-one years of age with respect to the driving of heavy locomotives, light locomotives, motor tractors or heavy motor cars) shall not apply in the case of motor vehicles owned by the Admiralty, the War Department or the Air Ministry, and used for naval, military or air force purposes, or in the case of vehicles so used while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.

(4) The Minister may by regulations vary in relation to vehicles used for naval, military or air force purposes while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown the provisions of any statutory provision imposing a speed limit on motor vehicles; but regulations under this subsection may provide that any variation made by the regulations shall have effect subject to such conditions as may be specified in the regulations.

(5) For the purpose of proceedings for an offence under this Act in connection with a vehicle in the public service of the Crown, being proceedings against a person other than the driver or rider of the vehicle, the person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that the driver or rider only was responsible.

*Vehicles used for marine Salvage* PART VII

Vehicles used for marine salvage.

**251.** Subsection (4) of the last foregoing section shall have effect in relation to motor vehicles used for salvage purposes pursuant to Part IX of the Merchant Shipping Act, 1894, as it has effect in relation to vehicles used for naval, military or air force purposes while being driven as therein mentioned.

*Interpretation*

Construction of references to traffic areas and London special area.

**252.**—(1) References in this Act to a traffic area constituted for the purposes of Part III thereof by a particular designation are references to the area described by that designation on the signed maps whose boundary is delineated thereon by a red line, references in this Act to the London Traffic Area are references to the area described by that designation on the signed maps whose boundary is delineated thereon by a green line and references in this Act to the London special area are references to the area described by that designation on the signed maps whose boundary is delineated thereon by a blue line.

(2) Except as respects the London Traffic Area and the London special area, the foregoing subsection has effect subject to the power of the Minister under section one hundred and nineteen of this Act to vary the provisions of Part III of this Act constituting traffic areas; and if, by virtue of subsection (3) of that section, an order thereunder provides for substituting, for any of the signed maps, maps authenticated as provided by the order and showing the areas to which the order relates as constituted in accordance with the provisions of the order, the substituted maps shall be deemed to be included among the signed maps in place of those for which they were substituted.

(3) In this section "the signed maps" means the maps contained in the three sets of books signed by the Right Honourable the Lord Terrington, the Chairman of the Joint Committee of the House of Lords and the House of Commons to which the Bill for this Act was referred, of which one set has been deposited in the Office of the Clerk of the Parliaments, one in the Private Bill Office of the House of Commons, and one at the Ministry of Transport.

(4) The signed maps, and any substituted therefor by virtue of section one hundred and nineteen of this Act, shall be for all purposes conclusive evidence of the extent of the respective areas whose boundaries are delineated thereon; and a copy of any such map as aforesaid purporting to be printed under the superintendence or authority of Her Majesty's Stationery Office shall be of equal validity with the original.

PART VII
Interpretation of expressions relating to motor vehicles and classes or descriptions thereof.

**253.**—(1) In this Act " motor vehicle " means a mechanically propelled vehicle intended or adapted for use on roads, and " trailer " means a vehicle drawn by a motor vehicle:

Provided that a side-car attached to a motor cycle shall, if it complies with such conditions as may be specified in regulations made by the Minister, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

(2) In this Act " motor car " means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen—

(*a*) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Minister, does not exceed three tons;

(*b*) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed three tons, or three tons and a half if the vehicle carries a container or containers for holding for the purpose of its propulsion any fuel which is wholly gaseous at sixty degrees Fahrenheit under a pressure of thirty inches of mercury or plant and materials for producing such fuel;

(*c*) does not exceed two tons and a half in a case falling within neither of the foregoing paragraphs.

(3) In this Act " heavy motor car " means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds two tons and a half.

(4) In this Act (except for the purposes of the provisions thereof relating to the provision by parish councils of parking places for bicycles and motor cycles) " motor cycle " means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed eight hundredweight.

(5) In this Act " invalid carriage " means a mechanically propelled vehicle the weight of which unladen does not exceed five hundredweight and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person.

(6) In this Act " motor tractor " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the following articles, that is to say, water, fuel,

accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment, and the weight of which unladen does not exceed seven tons and a quarter.

(7) In this Act " light locomotive " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles aforesaid, and the weight of which unladen does not exceed eleven tons and a half but does exceed seven tons and a quarter.

(8) In this Act " heavy locomotive " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles aforesaid, and the weight of which unladen exceeds eleven tons and a half.

(9) For the purposes of this section, in a case where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load.

(10) For the purposes of this section, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load or goods or burden of any description, but shall be deemed to form part of the vehicle.

(11) The Minister may by regulations vary any of the maximum or minimum weights specified in the foregoing provisions of this section, and such regulations may have effect either generally or in the case of vehicles of any class or description specified in the regulations and either for the purposes of this Act and of all regulations thereunder or for such of those purposes as may be so specified; and nothing in section twenty-four of this Act shall be construed as limiting the powers conferred by this subsection.

Certain vehicles not to be treated as motor vehicles.

**254.**—(1) For the purposes of this Act (except the provisions of Part IV thereof and the Thirteenth Schedule thereto)—

(*a*) a mechanically propelled vehicle, being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose, and

(*b*) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Minister for the purposes of this section and of subsection (5) of section ten of the Road Transport Lighting Act, 1957,

shall be treated as not being a motor vehicle.

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(2) In the foregoing subsection "controlled by a pedestrian" means that the vehicle either—

(*a*) is constructed or adapted for use only under such control, or

(*b*) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it.

Method of calculating weight of motor vehicles.

**255.** For the purposes of this Act, and of any other enactment relating to the use of motor vehicles on roads, the weight unladen of a vehicle shall be taken to be the weight of the vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, and of loose tools and loose equipment.

Interpretation of statutory references to carriages.

**256.** A motor vehicle or trailer shall be deemed to be a carriage within the meaning of any Act of Parliament, whether a public general Act or a local Act, and of any rule, regulation or byelaw made under any Act of Parliament, and if used as a carriage of any particular class shall for the purpose of any enactment relating to carriages of any particular class be deemed to be a carriage of that class.

General interpretation provisions.

**257.**—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

"the appropriate Minister" means, in relation to England or Wales, the Minister of Transport and, in relation to Scotland, the Secretary of State;

"bridge authority" means the authority or person responsible for the maintenance of a bridge;

"bridleway" means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the way;

"chief officer of police" has the same meaning as in the Police Pensions Act, 1921;

"classified road" means a road classified by the appropriate Minister under the Ministry of Transport Act, 1919, in Class I or Class II, or in any class declared by the appropriate Minister not to be inferior to those Classes;

except for the purposes of sections one and eighty-eight, "driver", where a separate person acts as steersman of

a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and " drive " shall be construed accordingly;

" fares " includes sums payable in respect of a contract ticket or a season ticket;

" footpath " means a way over which the public have a right of way on foot only;

" highway authority ", for the purposes of the application of this Act to England or Wales, means, in relation to a road other than a trunk road, the authority (being either the council of a county, the council of a county borough, the council of a non-county borough or an urban district, the Common Council of the City of London, or the council of a metropolitan borough) which is responsible for the maintenance of the road, and, in relation to a trunk road, the Minister, and for the purposes of the application of this Act to Scotland means, in relation to a road other than a trunk road, a county council or the town council of a burgh charged with the maintenance and management of any of the highways therein, and, in relation to a trunk road, the Secretary of State;

" magistrates' court " and " petty sessions area " have the same meanings as in the Magistrates' Courts Act, 1952;

" the Minister " means the Minister of Transport;

" owner ", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

" road " means any highway and any other road to which the public has access, and includes bridges over which a road passes;

" road service licence " has the meaning assigned to it by subsection (1) of section one hundred and thirty-four of this Act;

" salvage " means the preservation of a vessel which is wrecked, stranded or in distress, or the lives of persons belonging to, or the cargo or apparel of, such a vessel;

" special road " means a road provided or to be provided in pursuance of a scheme under section one of the Special Roads Act, 1949, or section eleven of the Highways Act, 1959, or to which, by virtue of section nineteen of the last-mentioned Act, that Act applies as if it were a road provided in pursuance of a scheme under section eleven thereof, and includes any part of a special road;

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" statutory ", in relation to any prohibition, restriction, requirement or provision, means contained in, or having effect under, any enactment (including any enactment contained in this Act);

" test certificate " has the meaning assigned to it by subsection (2) of section sixty-five of this Act;

" traffic sign " has the meaning assigned to it by subsection (1) of section fifty-one of this Act;

"tramcar " includes any carriage used on any road by virtue of an order made under the Light Railways Act, 1896;

" trolley vehicle " means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source;

and the expressions " public service vehicle ", " stage carriage ", " express carriage " and " contract carriage " shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of this Act.

(2) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any subsequent enactment.

Effect of certain references to Scottish local authorities.

**258.** Where any powers and duties are by this Act conferred or imposed, in relation to Scotland, on county councils and on the town councils of certain burghs only, all other burghs shall, for the purposes of those powers and duties, be deemed to be within the county.

*Exclusion of Application of certain Provisions to Tramcars and Trolley Vehicles*

Exclusion of application of certain provisions to tramcars and trolley vehicles.

**259.**—(1) None of the following provisions contained in Part I of this Act, and no orders or regulations made under those provisions shall apply to tramcars or trolley vehicles operated under statutory powers, that is to say, sections four, five, seven, eighteen to twenty-nine (both inclusive), thirty-six, thirty-eight, sixty-four, sixty-six, sixty-eight, sixty-nine, seventy-two, seventy-three and seventy-seven, and the following provisions so contained shall not apply to tramcars so operated, that is to say, sections two and three, subsection (1) of section six and section seventy-eight.

(2) Part II of this Act shall not apply to tramcars operated under statutory powers and sections ninety-seven and one hundred and sixteen thereof shall not apply to trolley vehicles so operated.

(3) Section one hundred and sixty-four of this Act shall not apply to the use of tramcars or trolley vehicles operated as aforesaid.

(4) Part VI of this Act, and the following provisions contained in this Part of this Act, that is to say, sections two hundred and seventeen to two hundred and nineteen (both inclusive), two hundred and twenty-two to two hundred and twenty-four (both inclusive), two hundred and twenty-six, two hundred and twenty-eight, two hundred and thirty, two hundred and thirty-one, two hundred and forty-one, two hundred and fifty-five and two hundred and fifty-six, shall not apply to tramcars or trolley vehicles operated as aforesaid and section two hundred and twenty-five shall not apply to tramcars so operated.

(5) In this section " operated under statutory powers " means, in relation to tramcars or trolley vehicles, that their use is authorised or regulated by special Act of Parliament or by an order having the force of an Act.

(6) Subsections (1), (2) and (4) of this section shall have effect subject to any such Act or order as is mentioned in the last foregoing subsection, and any such Act or order may apply to the tramcars or trolley vehicles to which it relates any of the provisions excluded by the said subsections (1), (2) and (4) except sections twenty-six to twenty-nine (both inclusive), thirty-six, thirty-eight and sixty-six.

*Exercise of Regulation-making Powers, and Parliamentary Control thereover*

Exercise of regulation-making powers and Parliamentary control thereover.

**260.**—(1) Any power conferred by this Act upon the Minister or the Secretary of State or the Minister and the Secretary of State acting jointly to make regulations shall be exercisable by statutory instrument.

(2) Before making any regulations under this Act (other than regulations under section thirty-four thereof), the Minister or, as the case may be, the Secretary of State, or the Minister and the Secretary of State acting jointly, shall consult with such representative organisations as he or they think fit.

(3) A statutory instrument whereby any such power as aforesaid is exercised (other than the power conferred by section twenty-four or two hundred and fifty-four of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Regulations under section twenty-four or two hundred and fifty-four of this Act shall not have effect unless approved by resolution of each House of Parliament.

*Supplementary*

Provision, &c., of weigh-bridges.

**261.**—(1) It shall be lawful for a highway authority to provide, erect, maintain and operate, or to join with another highway authority in providing, erecting, maintaining and operating,

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weighbridges or other machines for weighing vehicles or to contribute towards the cost of the provision, erection, maintenance and operation of any such weighbridge or other machine by any other authority or person.

(2) The provision or erection, or the making of a contribution towards the provision or erection, of any such weighbridge or other machine shall be a purpose for which the highway authority may borrow.

Provisions as to Thames embankment.

**262.** Section forty-one of the Thames Embankment Act, 1862, shall not apply to motor tractors, heavy motor cars, motor cars, motor cycles or invalid carriages, but save as aforesaid nothing in this Act shall affect the provisions of that section.

Protection of public interests.

**263.**—(1) It is hereby declared that nothing in Part III, IV or V of this Act is to be treated as conferring on the holder of a licence granted under any of those Parts any right to the continuance of any benefits arising from, or from a licence granted under, any of those Parts, or from any conditions attached to any such licence.

(2) In the event of an undertaking by which a service of public service vehicles is provided being purchased compulsorily by a local or public authority, that part of the value of the undertaking attributable directly or indirectly to Part III of this Act shall not be taken into account.

Consequential amendments of Acts.

**264.** The enactments specified in the Seventeenth Schedule to this Act shall have effect subject to the amendments respectively specified in relation thereto in that Schedule.

Construction of references in other Acts, &c., to public service vehicles, licensing authorities, &c.

**265.**—(1) A provision of an Act other than this Act or one of those mentioned in the Seventeenth Schedule to this Act, or of an instrument having effect under an enactment not repealed by this Act, which (however expressed) defines "public service vehicle", "stage carriage", "express carriage" or "contract carriage" by reference to the Road Traffic Act, 1930, or "London Traffic Area" by reference to the London Traffic Act, 1924, shall have effect as if it provided that that expression should be construed in like manner as if it were contained in this Act.

(2) References in any enactment to a licensing authority for public service vehicles shall be construed as references to the traffic commissioners for a traffic area constituted for the purposes of Part III of this Act, and references in any enactment to the licensing authority for goods vehicles shall be construed as references to the licensing authority for the purposes of Part IV of this Act.

Repeal of provisions as to use of bridges by locomotives.

**266.** The following enactments shall cease to have effect, that is to say,—

(*a*) section six of the Locomotive Act, 1861 (which restricts the use of locomotives over suspension and other bridges),

(*b*) section seven of that Act (which relates to the making good of damage to bridges caused by locomotives or their trailers), and PART VII

(*c*) section seven of the Locomotives Act, 1898 (which enables owners of locomotives to appeal against restrictions on passing over bridges), and section eight of that Act (which prohibits locomotives' being driven so as to pass one another on bridges).

General repeals, revocations, savings and transitional provisions.

**267.**—(1) The enactments specified in Part I of the Eighteenth Schedule to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule, and the orders and regulations specified in Part II of that Schedule are hereby revoked to the extent specified in the third column of that Part of that Schedule.

(2) The saving and transitional provisions contained in the Nineteenth Schedule to this Act shall have effect.

Saving for s. 38 of Interpretation Act, 1889.

**268.** The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

Saving for law of nuisance.

**269.** Nothing in this Act shall authorise a person to use on a road a vehicle so constructed or used as to cause a public or private nuisance, or in Scotland a nuisance, or affect the liability, whether under statute or common law, of the driver or owner so using such a vehicle.

Commencement.

**270.**—(1) This Act, except the provisions thereof specified in Part I of the Twentieth Schedule thereto, shall come into operation on the first day of September, nineteen hundred and sixty, and notwithstanding section thirty-six of the Interpretation Act, 1889 (which defines " commencement " when used with reference to an Act), references in this Act to the commencement thereof shall be construed as referring to the time at which this Act, except the provisions aforesaid, comes into operation.

(2) The provisions of Part II of the Twentieth Schedule to this Act shall have effect for the purpose of providing for the coming into operation of the provisions of this Act specified in Part I of that Schedule and the provisions of Part III of that Schedule shall have effect for temporarily extending, in the case therein specified, the provisions of section sixty-four of this Act.

Short title and extent.

**271.**—(1) This Act may be cited as the Road Traffic Act, 1960.

(2) This Act shall not extend to Northern Ireland.

Section 24.

# SCHEDULES

## FIRST SCHEDULE

LIMITS OF SPEED FOR VEHICLES OF CERTAIN CLASSES OR DESCRIPTIONS

| *Class or description of vehicle* (*See also paragraph* 13) | *Maximum speed, miles per hour* |
|---|---|
| VEHICLES OTHER THAN TRACK-LAYING VEHICLES | |
| 1. Passenger vehicles, that is to say, vehicles constructed solely for the carriage of passengers and their effects, and dual-purpose vehicles:— | |
| (1) vehicles having an unladen weight exceeding three tons, or adapted to carry more than seven passengers exclusive of the driver ... ... | 30 |
| (2) vehicles drawing trailers— | |
| (*a*) in the case of a motor car adapted to carry not more than seven passengers exclusive of the driver, if the trailer is a close-coupled four-wheeled trailer or is two-wheeled ... | 30 |
| (*b*) in the case of a motor cycle, if the trailer is two-wheeled ... ... ... ... ... | 30 |
| (*c*) in any other case ... ... ... ... | 20 |
| (3) invalid carriages ... ... ... ... ... | 20 |
| (4) vehicles not fitted with pneumatic tyres, and vehicles drawing trailers not fitted with pneumatic tyres ... ... ... ... ... | 20 |
| 2. Goods vehicles, that is to say, vehicles constructed or adapted for use for the conveyance of goods or burden of any description, but not including dual-purpose vehicles:— | |
| (1) generally ... ... ... ... ... ... | 30 |
| (2) vehicles drawing trailers, not being articulated vehicles ... ... ... ... ... ... | 20 |
| (3) vehicles not fitted with pneumatic tyres, if drawing trailers or having an unladen weight exceeding one ton, and vehicles drawing trailers not fitted with pneumatic tyres ... ... ... ... | 20 |
| (4) vehicles not fitted with resilient tyres ... ... | 5 |
| 3. Motor tractors:— | |
| (1) generally ... ... ... ... ... ... | 20 |
| (2) if drawing two or more trailers ... ... ... | 5 |
| (3) if not fitted with resilient tyres ... ... ... | 5 |
| 4. Heavy locomotives and light locomotives:— | |
| (1) generally ... ... ... ... ... ... | 12 |
| (2) if drawing more than two trailers ... ... ... | 5 |
| (3) if not fitted with resilient tyres ... ... ... | 5 |
| TRACK-LAYING VEHICLES | |
| 5. Motor cars and heavy motor cars ... ... ... | 20 |
| 6. Motor tractors:— | |
| (1) generally ... ... ... ... ... ... | 20 |
| (2) if drawing two or more trailers ... ... ... | 5 |

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| | *Maximum speed, miles per hour* |
|---|---|
| 7. Light locomotives: | |
| (1) generally ... ... ... ... ... ... | 12 |
| (2) if drawing more than two trailers ... ... | 5 |
| 8. Heavy locomotives ... ... ... ... ... | 5 |
| 9. Track-laying vehicles which do not satisfy both of the following conditions,— (*a*) that the vehicle is fitted with springs between its frame and the weight-carrying rollers, and (*b*) that the vehicle is fitted with resilient material between the rims of the weight-carrying rollers and the road surface, and vehicles drawing track-laying trailers which do not satisfy both of those conditions ... ... ... ... | 12 |
| 10. Track-laying vehicles satisfying neither of the said conditions, and vehicles drawing track-laying trailers satisfying neither of those conditions ... ... ... | 5 |
| 11. Combined track-and-wheel vehicles not fitted with resilient tyres, and vehicles drawing trailers which are combined track-and-wheel vehicles not fitted with resilient tyres ... ... ... ... ... ... ... ... | 5 |
| 12. Vehicles drawing trailers, where the drawing or any of the drawn vehicles, not being a track-laying vehicle, is not fitted with resilient tyres ... ... ... ... | 5 |

INTERPRETATION AND APPLICATION

13. A vehicle falling within two or more descriptions specified in this Schedule shall be treated as falling within that description for which the lowest limit of speed is specified.

14.—(1) In this Schedule " dual-purpose vehicle " means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description, being a vehicle of which the unladen weight does not exceed two tons and which either—

(*a*) satisfies the conditions as to construction specified in the next following sub-paragraph, or

(*b*) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle.

(2) The conditions as to construction referred to in the last foregoing sub-paragraph are the following:—

(*a*) the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel,

(*b*) the area of the vehicle to the rear of the driver's seat must—

(i) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered backrests, attached either to the seats or to a side or the floor of the vehicle; and

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(ii) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than two square feet on each side and not less than one hundred and twenty square inches at the rear;

(*c*) the distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in head (i) of this sub-paragraph (or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the backrests of the rearmost such row) must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.

15. In this Schedule "close-coupled", in relation to a trailer, means that the wheels on the same side of the trailer are so fitted that at all times while it is in motion they remain parallel to the longitudinal axis of the trailer, and that the distance between the centres of their respective areas of contact with the road surface does not exceed thirty-three inches.

16. In this Schedule "articulated vehicle" means a vehicle with a trailer so attached to the drawing vehicle that part of the trailer is superimposed upon the drawing vehicle, and when the trailer is uniformly loaded not less than twenty per cent. of the weight of its load is borne by the drawing vehicle.

17. In this Schedule, in relation to a vehicle (including a trailer), "fitted with pneumatic tyres" means that every wheel of the vehicle is fitted with pneumatic tyres, and "fitted with resilient tyres" means that every wheel of the vehicle is fitted either with pneumatic tyres or with other soft or elastic tyres.

18. In this Schedule "track-laying" means so designed and constructed that the weight is transmitted to the road surface either by means of continuous tracks or by a combination of wheels and continuous tracks, and "combined track-and-wheel vehicle" means a vehicle so designed and constructed that its weight is transmitted to the road surface by a combination of wheels and continuous tracks.

19. A heavy motor car or motor car drawing a trailer and being used as a public service vehicle or as a goods vehicle shall be treated as not drawing a trailer if the trailer is used solely for the carriage of a container or containers for holding, or plant and materials for producing, for the purpose of the propulsion of the drawing vehicle, any fuel that is wholly gaseous at sixty degrees Fahrenheit under a pressure of thirty inches of mercury.

20.—(1) Paragraphs 1 to 4 of this Schedule do not apply to, and paragraphs 5 to 12 apply only to, track-laying vehicles and vehicles drawing track-laying trailers or trailers some of which are track-laying.

(2) Paragraphs 1 to 12 of this Schedule do not apply to vehicles for the time being used in the conduct of experiments or trials under section six of the Roads Improvement Act, 1925, or section two hundred and forty-nine of the Highways Act, 1959.

## SECOND SCHEDULE

Section 30

THE LONDON AND HOME COUNTIES TRAFFIC ADVISORY COMMITTEE

*Constitution of the Committee*

1. The London and Home Counties Traffic Advisory Committee (in this Schedule referred to as " the Committee ") shall consist of the following numbers of members appointed as follows:—

| *Number of Members.* | *By whom appointed.* |
|---|---|
| One | By the Secretary of State: |
| One | By the Minister: |
| Six | By the London County Council: |
| One | By the Corporation of the City of London: |
| One | By the Council of the City of Westminster: |
| Six | By the councils of the remaining metropolitan boroughs: |
| Two | By the Middlesex County Council: |
| One | By the Essex County Council: |
| One | By the Kent County Council: |
| One | By the Surrey County Council: |
| One | By the Buckinghamshire and Hertfordshire County Councils: |
| One | By the Council of the County Borough of Croydon: |
| One | By the Council of the County Borough of East Ham: |
| One | By the Council of the County Borough of West Ham: |
| One | By the Secretary of State to represent the metropolitan police: |
| One | By the Secretary of State to represent county and borough police forces in the London Traffic Area: |
| One | By the Corporation of the City of London to represent the City police: |
| Four | By the British Transport Commission: |
| Five | By the Minister of Labour, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of labour engaged in the transport industry within the London Traffic Area: |
| Two | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than such persons as are hereinafter mentioned and other than the British Transport Commission and any Executive) providing or using mechanically propelled road vehicles within the London Traffic Area. |
| One | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission and any Executive) who are holders of A or B licences (within the meaning of Part IV of this Act) carrying on business within the London Traffic Area: |

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| *Number of Members.* | *By whom appointed.* |
|---|---|
| One | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons who are holders of C licences (within the meaning of Part IV of this Act) carrying on business within the London Traffic Area: |
| One | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission and any Executive) who are the holders of licences authorising them to operate public service vehicles within the London Traffic Area: |
| One | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission and any Executive) providing or using horse-drawn road vehicles within the London Traffic Area. |
| One | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of the taxi-cab industry within the London Traffic Area. |
| One | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons using bicycles and tricycles, not being motor vehicles, within the London Traffic Area. |

*Supplementary Provisions*

2. Where one or more members are to be appointed by a group of local authorities, the appointment shall be made by a joint committee consisting of one representative chosen by each of the local authorities in accordance with rules of procedure made by the Minister by statutory instrument.

3. Every member appointed by a local authority or group of local authorities (other than the representative of the City police) shall be a member of the local authority or of one of the grouped authorities, as the case may be, and, if he ceases to hold such qualification, shall cease to be a member of the Committee.

4. The chairman of the Committee shall be such member thereof as may be elected chairman by the Committee from among the members appointed by local authorities or groups of local authorities, other than the representative of the City police.

5.—(1) Subject to the provisions of the next following paragraph with respect to the term of office of persons appointed to fill casual vacancies, the term of office of the members of the Committee shall be three years, except that—

(*a*) the chairman shall go out of office on the day on which the members of the Committee by whom he is elected ordinarily go out of office:

(*b*) a member of the Committee who, without having received leave of absence by a resolution of the Committee, fails for a period of six months to attend duly summoned meetings of the Committee, or a sub-committee on which he has been appointed to serve, shall thereupon vacate his seat. 2ND SCH.

(2) A member of the Committee going out of office may be reappointed, except that a member so doing by virtue of head (*b*) of the foregoing sub-paragraph shall not be eligible for reappointment in respect of that vacancy.

6.—(1) On a casual vacancy occurring on the Committee by reason of death, resignation or otherwise, the vacancy shall be filled by the appointment of a new member in like manner as the member in whose place he is appointed, and he shall hold office until the time when the member in whose place he is appointed would have gone out of office, and shall then go out of office.

(2) The election of a member as chairman shall not create a casual vacancy.

(3) Sub-paragraph (1) of this paragraph shall apply to the chairman with the substitution of "election" for "appointment" and of "elected" for "appointed".

7. The Minister may place at the disposal of the Committee the services of such of the officers and servants of the Ministry of Transport as appear to him to be required for the purpose of the proper discharge of the duties of the Committee.

8. The Committee may make rules for regulating their procedure (including the fixing of a quorum, and the appointment, powers, duties and procedure of sub-committees) and for regulating the procedure at any inquiry held by the Committee, or by any members thereof, under this Act.

9. The proceedings of the Committee shall not be invalidated by a vacancy in their number or a defect in the appointment of a member.

10. All expenses incurred in connection with the execution of powers and duties under sections thirty-two and thirty-three of this Act by the Committee or the members thereof shall, to such amount as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.

## THIRD SCHEDULE

Section 31.

### PARTICULAR MATTERS WHICH MAY BE REFERRED TO LONDON AND HOME COUNTIES TRAFFIC ADVISORY COMMITTEE

1. The co-ordination of all or any of the various forms of transport services, and co-operation between the persons operating the same or different forms of transport services, with a view to the combined operation of all means of transport in the London Traffic Area in the best interests of the public.

2. The causes tending to hinder the free circulation of traffic on streets in the London Traffic Area and the measures to be adopted to remove such causes or to minimise their effects.

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3. The desirability of the revision, simplification, codification and extension of existing enactments, orders, regulations and byelaws, and of the initiation of new legislation, with regard to or affecting traffic on streets in the London Traffic Area.

4. The making of new orders, byelaws and regulations (including the fixing of speed limits) relating to traffic on streets in the London Traffic Area.

5. The provision of sufficient headroom in the construction of new bridges over streets, and the proper marking and lighting of structures across streets which do not provide sufficient headroom.

6. The comparative desirability of different forms of transport services in various circumstances either generally or in particular localities, or in any specific case.

7. The development, improvement, or extension of the existing system of road communication within the London Traffic Area.

8. New transport systems or developments or extensions of existing systems proposed to be established or carried out within the London Traffic Area.

9. The exercise of any of the powers of the Minister from whatsoever source derived in relation to traffic on streets in the London Traffic Area.

10. The formulation of proposals for the equitable distribution amongst the various road authorities in the London Traffic Area of the cost of any scheme of road development, improvement or extension.

Section 34.

## FOURTH SCHEDULE

### SCOPE OF TRAFFIC REGULATIONS THAT MAY BE MADE BY THE MINISTER FOR THE LONDON TRAFFIC AREA

1. For prescribing the routes to be followed by all classes of traffic, or by any particular class or classes of traffic or vehicles, from one specified point to another, either generally or between any specified times.

2. For prescribing streets which are not to be used for traffic by vehicles, or by vehicles of any specified class or classes, either generally or at specified times.

3. For regulating the relative position in the roadway of traffic of differing speeds or types.

4. For prescribing the places where vehicles or vehicles of any particular class or description may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under conditions prescribed by the regulations.

5. For prescribing the conditions subject to which, and the times at which, articles of exceptionally heavy weight or exceptionally large dimensions may be carried by road.

6. For prescribing the number and maximum size and weight of trailers which may be drawn on streets by vehicles or vehicles of any particular class or description either generally or on streets of any class or description, and for prescribing that a man should be carried on the trailer or, where more than one trailer is drawn, on the rear trailer for signalling to the driver.

7. For prescribing the conditions subject to which, and the times at which, articles may be loaded on to or unloaded from vehicles, or vehicles of any particular class or description, on streets.

8. For prescribing the conditions subject to which, and the times at which, vehicles, or vehicles of any particular class or description, delivering or collecting goods or merchandise, or delivering goods or merchandise of any particular class or classes, may stand in streets, or in streets of any class or description, or in specified streets.

9. For prescribing the conditions subject to which, and the times at which, vehicles, or vehicles of any particular class or description, may be used on streets for collecting refuse.

10. For prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, in opposite directions, or when crossing.

11. For prescribing the conditions subject to which, and the times at which, horses, cattle, sheep and other animals may be led or driven on streets within the metropolitan police district and the City of London.

12. For requiring the erection, exhibition, and removal of traffic notices, and as to the form, plan, and character of such notices.

13. Broken down vehicles.

14. Vehicles, or vehicles of any particular class or description, when unattended.

15. Places in streets where vehicles, or vehicles of any particular class or description, may, or may not, wait either generally or at particular times.

16. Cab ranks and ranks and stopping places of omnibuses and other public conveyances.

17. Cabs and hackney carriages not hired and being in a street elsewhere than on a cab rank.

18. For restricting the use of vehicles and animals, and of sandwichmen and other persons, in streets for the purposes of advertisement of such a nature or in such a manner as to be likely to be a source of danger or to cause obstruction to traffic.

19. The lighting and guarding of street works.

20. The erection or placing or the removal of any works or objects likely to hinder the free circulation of traffic in any street, or likely to occasion danger to passengers or vehicles.

21. Queues of persons waiting in streets.

22. Priority of entry to public vehicles.

23. For enabling any police, local or other public authority, in the event of any person failing to do anything which under the regulations he ought to have done, to do such act, and to recover the expenses thereof from the person so in default summarily as a civil debt.

Section 35.

## FIFTH SCHEDULE

SCOPE OF TRAFFIC REGULATIONS THAT MAY BE MADE BY COMMISSIONERS OF POLICE OF METROPOLIS AND FOR CITY OF LONDON

1. Prescribing the routes to be followed by traffic from one specified point to another.

2. Prescribing streets which are not to be used for traffic.

3. Regulating the relative position in the roadway of traffic of differing speeds or types.

4. Prescribing the places where vehicles may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under prescribed conditions.

5. Prescribing the conditions subject to which and the times at which articles may be loaded on to or unloaded from vehicles on streets.

6. Prescribing the conditions subject to which and the times at which vehicles delivering or collecting goods or merchandise, or goods or merchandise of any particular class or classes, may stand in streets.

7. Prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, in opposite directions or when crossing.

8. Making provision as to vehicles when unattended.

9. Making provision as to places in streets where vehicles may, or may not, wait.

10. Making provision as to cab ranks and ranks and stopping places of omnibuses and other public conveyances.

Section 36.

## SIXTH SCHEDULE

NOTIFICATION OF TEMPORARY TRAFFIC RESTRICTIONS

1.—(1) Subject to the provisions of this Schedule, not less than seven days before making an order under subsection (1) or subsection (4) of the principal section the highway authority shall cause notice of their intention to make the order to be published in one or more newspapers circulating in the district in which the road or part of a road affected by the order is situate, and shall also within a period of seven days after making any such order cause a notice of the making of the order to be published in the like manner.

(2) Every such notice shall contain a statement of the effect of the order, and in so far as it relates to an order under subsection (1) of the principal section, shall also contain a description of the alternative route or routes available for traffic.

(3) Where the appropriate Minister gives his approval to an order under subsection (1) or subsection (4) of the principal section continuing in force for longer than the period limited by the principal section, the highway authority shall give such notice of the appropriate Minister's approval as may be directed by him.

2. So long as any order made under subsection (1) of the principal section is in force, a notice stating the effect of the order, and describing the alternative route or routes available for traffic, shall be kept posted in a conspicuous manner at each end of the part of the road to which the order relates, and at the points at which it will be necessary for vehicles to diverge from the road. 6TH SCH.

3.—(1) A notice issued under subsection (2) of the principal section shall describe the alternative route or routes available for traffic, and shall be kept posted in accordance with the provisions of the last foregoing paragraph.

(2) Where such a notice has been posted, the highway authority may, before the expiration of the period for which the notice can continue in force, proceed to make an order under subsection (1) of the principal section with respect to the same road or part of a road without causing notice of their intention to make the order to be published in any newspaper.

## SEVENTH SCHEDULE

Section 47.

AREAS (IN ENGLAND OR WALES), AND AUTHORITIES, FOR AGREEMENTS UNDER SECTION 47

| Description of Area | Council | Police Authority |
|---|---|---|
| 1. So much of any county as is comprised in a combined area. | The county council | The combined police authority for the combined area. |
| 2. A county borough comprised in a combined area. | The county borough council. | The combined police authority for the combined area. |
| 3. A non-county borough which is a separate police area. | The council of the county comprising the borough. | The police authority for the borough. |
| 4. A county borough whose police force is consolidated with a county police force. | The county borough council. | The police authority for the county. |
| 5. So much of any county as is not within the metropolitan police district and does not fall within paragraph 1 or 3 of this Schedule. | The county council | The police authority for the county. |

In this Schedule "combined area" has the same meaning as in the Police Act, 1946, references to the police authority for a county are references to the police authority for so much of the county as is not comprised in a police area other than the county,

7TH SCH. and the reference in paragraph 4 of this Schedule to the consolidation of a borough police force with a county police force is a reference to its being consolidated therewith in pursuance of a consolidation agreement within the meaning of section twelve of the Police Act, 1946.

Section 67 and 20th Sch.

## EIGHTH SCHEDULE

### DEFERRED TESTS OF CONDITION OF VEHICLES

1. Where the driver is the owner of the vehicle, he may at the time of electing that the test shall be deferred specify a period of seven days within which the deferred test is to take place, being a period falling within the next thirty days, disregarding any day on which the vehicle is outside Great Britain, and may at that time require that the deferred test shall take place on premises then specified by him where the test can conveniently be carried out or that it shall take place in such area in England or Wales, being a county borough or county district or the administrative county of London, or such area in Scotland, being a county or burgh, as he may specify at the said time.

2. Where the driver is not the owner of the vehicle, he shall inform the examiner of the name and address of the owner of the vehicle and the owner shall be afforded an opportunity of specifying such a period, and such premises or area, as aforesaid.

3.—(1) Where under the foregoing provisions of this Schedule a period has been specified within which the deferred test is to be carried out, the time for carrying it out shall be such time within that period as may be notified, being a time not earlier than two days after the giving of the notification.

(2) Where no such period has been specified as aforesaid, the time for the carrying out of the deferred test shall be such time as may be notified, being a time not earlier than seven days after the giving of the notification.

(3) Where premises have been specified under the foregoing provisions of this Schedule for the carrying out of the deferred test, and the test can conveniently be carried out on those premises, it shall be carried out there.

(4) Where the last foregoing sub-paragraph does not apply, the place for carrying out the deferred test shall be such place as may be notified with the notification of the time for the carrying out of the test, and where an area has been specified as aforesaid the place shall be a place in that area.

(5) Notwithstanding the foregoing provisions of this paragraph, the time and place for the carrying out of the deferred test may be varied by agreement between an authorised examiner and the owner of the vehicle.

(6) In this paragraph "notified" means notified in writing to the owner of the vehicle on behalf of the Minister, and "notification" shall be construed accordingly; and any notification under this paragraph may be given by post.

4. It shall be the duty of the owner of the vehicle to produce it, or secure its production, at the time and place fixed for the carrying out of the deferred test.

5. References in this Schedule to the owner of a vehicle are references to the owner thereof at the time at which the election is made under subsection (3) of section sixty-seven of this Act that the test should be deferred, and for the purposes of this Schedule—

(*a*) if at that time the vehicle is in the possession of a person under a hire-purchase agreement or hiring agreement and the case is not one falling within the next following sub-paragraph, that person,

(*b*) if at that time the vehicle is being used under an international circulation permit, the person to whom the permit was issued,

shall be deemed to be the owner of the vehicle to the exclusion of any other person.

## NINTH SCHEDULE

Section 75.

### TRAVELLING, &C., ALLOWANCES FOR ATTENDANCE AT ROAD SAFETY CONFERENCES

1.—(1) Where arrangements made by a local authority under subsection (2) of section seventy-five of this Act include the setting up of a road safety committee, then if the committee is designated for the purposes of this Schedule by or under regulations made under section one hundred and seventeen of the Local Government Act, 1948 (which provides for the making of regulations for administering the provisions of Part VI of that Act as to the payment of allowances) the following provisions shall have effect.

(2) Attendance as a representative of the road safety committee, or of a local or other authority, at a conference or meeting relating to road safety and designated by or under such regulations as aforesaid shall, subject to any conditions or restrictions prescribed by such regulations, be an approved duty for the purposes of the said Part VI.

(3) A member of the road safety committee who is not, and apart from this paragraph is not for the purposes of the said Part VI to be deemed to be, a member of a local or other authority shall, in relation to any such attendance as is mentioned in the last foregoing sub-paragraph, be treated for the said purposes as a member of such local or other authority concerned with the setting up of the committee as may agree so to treat him or as the appropriate Minister may determine.

9TH SCH.

2. Expenditure incurred by a local or other authority in the payment of travelling allowances or subsistence allowances in respect of attendances which are approved duties by virtue of sub-paragraph (2) of the last foregoing paragraph shall be treated for the purposes of subsection (2) of section seventy-five of this Act as part of the cost of the arrangements under which the road safety committee was set up.

3. In this Schedule "local or other authority" means a body to which Part VI of the Local Government Act, 1948, applies, and "road safety committee" means a committee or other body set up to act for the purposes of section seventy-five of this Act.

Section 85.

## TENTH SCHEDULE

### PROCEDURE FOR ORDERS DESIGNATING PARKING PLACES ON HIGHWAYS WHERE CHARGES ARE MADE

### PART I

### ORDERS MADE ON LOCAL AUTHORITY APPLICATION

1. Before applying for a designation order a local authority shall consult with the chief officer of police.

2.—(1) On applying for a designation order a local authority shall publish in the London Gazette and in at least one newspaper circulating in the locality an advertisement—

(*a*) stating the general effect of the proposed order, the whereabouts of the parking places to be designated thereby, the classes or descriptions of vehicles for which they are to be designated, the charges to be made for use of the parking places, and the provisions of the proposed order as to the times when the parking places may be used;

(*b*) specifying a place or places where a copy of the proposed order, and a plan showing the precise location of the parking places to be designated, may be inspected at reasonable times specified in the advertisement during a period so specified of not less than twenty-eight days from the publication or first publication of the advertisement;

(*c*) stating that any person wishing to object to the making of the order may do so by sending to the Minister, within the said period, notice in writing of his objection stating the grounds thereof.

(2) On applying for a designation order a local authority shall take such other steps as appear to the authority reasonably practicable for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, as the occupiers of land adjacent to the parking places, information as to the matters specified in heads (*a*) to (*c*) of the foregoing sub-paragraph.

(3) Where on the expiration of the period specified in the advertisement under sub-paragraph (1) of this paragraph it appears to the Minister that, before the application is further dealt with, the local authority should take further steps for the purpose mentioned in the last foregoing sub-paragraph, he may direct the authority to take such further steps for that purpose as he may specify, and if he does so the period within which a copy of the order and plan may be inspected, and objections may be made, shall be deemed to be extended by such time as the Minister may direct.

3. On such an application as aforesaid the Minister shall, after the period for objecting to the making of the order has expired, refer the application, together with any objection duly made, to the London and Home Counties Traffic Advisory Committee (hereafter in this Schedule referred to as " the Advisory Committee "), and the Advisory Committee shall consider the application and any objections duly made thereto and report to and advise the Minister thereon ; and the Minister shall consider their report and advice.

4. After compliance with the provisions of the last foregoing paragraph the Minister may make an order, either as applied for or with such modifications as he thinks fit:

Provided that where the local authority applying for the order is not the highway authority he shall not make the order except with the consent of the highway authority.

5.—(1) In relation to an application made, by virtue of an order under subsection (8) or (9) of section eighty-five of this Act, for an order under that section designating a parking place outside the London Traffic Area, the foregoing provisions of this Schedule shall have effect subject to the following modifications.

(2) Paragraph 3 shall not apply, and—

(*a*) the Minister shall, after the period for objecting to the making of the order has expired, consider the application and any objections duly made thereto and may hold a public inquiry ;

(*b*) paragraph 4 shall apply with the substitution of a reference to head (*a*) of this sub-paragraph for the reference to the said paragraph 3.

(3) In relation to an application relating to a parking place in Scotland paragraph 2 shall have effect with the substitution for the reference to the London Gazette of a reference to the Edinburgh Gazette.

## PART II

### ORDERS MADE WITHOUT LOCAL AUTHORITY APPLICATION

6. Before making an order by virtue of subsection (5) of section eighty-five of this Act the Minister shall publish in the London Gazette and in at least one newspaper circulating in the locality an advertisement stating and specifying the matters set out in heads (*a*) to (*c*) of sub-paragraph (1) of paragraph 2 of this Schedule, and shall take such other steps as appear to the Minister reasonably practicable

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for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, as the occupiers of land adjacent to the parking places, information as to those matters.

7. Where the Minister has in pursuance of the last foregoing paragraph advertised a proposal to make an order, then after the period for objecting to the making of the order has expired the Minister shall refer the proposal, together with any objection duly made, to the Advisory Committee, and that Committee shall consider the proposal and any objections duly made thereto and report to and advise the Minister thereon; and the Minister shall consider their report and advice.

8. After compliance with the provisions of the last foregoing paragraph the Minister may make an order, either as proposed or with such modifications as he thinks fit.

## PART III

### PROVISIONS AS TO INQUIRIES

9. For the purposes of paragraph 3 or 7 of this Schedule the Minister may require the Advisory Committee to cause an inquiry to be held under section thirty-three of this Act or if the Advisory Committee do not hold an inquiry may himself do so.

Sections 104 and 111, and 19th Sch.

## ELEVENTH SCHEDULE

### Offences involving Disqualification for holding or obtaining, or Endorsement of, Licences under Part II or both

| Offence | Limitation of Disqualification | Obligatory Disqualification | Obligatory Endorsement |
|---|---|---|---|
| 1. Manslaughter, or in Scotland, culpable homicide, by the driver of a motor vehicle. | — | — | — |
| 2. Causing the death of a person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public (section one of this Act). | — | — | — |
| 3. An offence under section thirty-five of the Offences against the Person Act, 1861 (injuring persons by wanton or furious driving), committed by a person having charge of a motor vehicle. | — | — | — |
| 4. Driving a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public (section two of this Act). | — | Second or subsequent conviction involves obligatory disqualification unless the court, by reason of three years or more having elapsed since previous or last previous conviction or for any other special reason, thinks | Conviction involves obligatory endorsement. |

| Offence | Limitation of Disqualification | Obligatory Disqualification | Obligatory Endorsement |
|---|---|---|---|
| 4. Driving a motor vehicle on a road, etc.—*cont.* | — | fit to order otherwise; period of disqualification to be nine months unless more than three years have elapsed since last conviction. | — |
| 5. Driving a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road (section three of this Act). | Disqualification not to exceed one month on first conviction, but conviction of offence specified in paragraph 4 within three years next before date of conviction of offence specified in this paragraph to count as previous conviction of the last-mentioned offence. | — | Conviction involves obligatory endorsement unless the court, for any special reason, thinks fit to order otherwise. |
| 6. Driving or attempting to drive a motor vehicle on a road or other public place when unfit to drive through drink or drugs (subsection (1) of section six of this Act). | — | Conviction involves obligatory disqualification for a period of twelve months from the date of the conviction unless | — |

| | | | |
|---|---|---|---|
| | | the court, for special reasons, thinks fit to order otherwise. | |
| 7. Being, when in charge of a motor vehicle which is on a road or other public place, but not driving the vehicle, unfit to drive through drink or drugs (subsection (2) of section six of this Act). | — | Second or subsequent conviction, or conviction after previous conviction of offence specified in paragraph 6, involves obligatory disqualification for a period of twelve months from the date of the conviction unless the court, for special reasons, thinks fit to order otherwise. | — |
| 8. Promoting or taking part in a race or trial of speed between motor vehicles on a public highway (section seven of this Act). | — | Conviction involves obligatory disqualification for a period of twelve months from the date of the conviction unless the court, for special reasons, thinks fit to order otherwise. | — |
| 9. Driving a two-wheeled motor cycle with more than one person carried on it in addition to the driver or with an additional person carried otherwise than astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat (section eight of this Act). | — | — | — |

| Offence | Limitation of Disqualification | Obligatory Disqualification | Obligatory Endorsement |
|---|---|---|---|
| 10. Causing or permitting a motor vehicle or a trailer drawn thereby to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road (section sixteen of this Act). | — | — | — |
| 11. An offence in respect of a motor vehicle under subsection (5) of section forty-six of this Act. | — | — | — |
| 12. An offence in respect of a motor vehicle under subsection (2) of section forty-eight of this Act. | No disqualification on first or second conviction. | — | — |
| 13. An offence in respect of a motor vehicle under subsection (6) of section forty-nine of this Act. | — | — | — |
| 14. Using on a road at any time, or causing or permitting to be so used, a motor vehicle to which section sixty-six of this Act applies and as respects which no test certificate has been issued within the appropriate period (within the meaning of that section) before the said time (subsection (1) of section sixty-six of this Act). | — | — | — |

| | | | |
|---|---|---|---|
| 15. Driving, or causing or permitting a person to drive, a motor vehicle in contravention of the provisions of this Act relating to the minimum age for driving motor vehicles of different classes and descriptions (section ninety-seven of this Act.) | — | — | — |
| 16. Driving on a road a motor vehicle of any class or description without being the holder of a licence under Part II of this Act authorising the driver to drive a motor vehicle of that class or description (subsection (1) of section ninety-eight of this Act), or employing to drive on a road a motor vehicle of any class or description a person who is not the holder of such a licence authorising him to drive a motor vehicle of that class or description (subsection (2) of section ninety-eight of this Act). | — | — | — |
| 17. Failure to comply with any of the conditions subject to which a provisional licence is granted under section one hundred and two of this Act (subsection (3) of section one hundred and two of this Act). | — | — | — |
| 18. Applying for, or obtaining, a licence under Part II of this Act while disqualified for holding or obtaining such a licence, or while so disqualified, driving on a road a motor vehicle or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, so driving a motor vehicle of that class or description (section one hundred and ten of this Act). | — | — | — |

| Offence | Limitation of Disqualification | Obligatory Disqualification | Obligatory Endorsement |
|---|---|---|---|
| 19. Driving on a road a heavy goods vehicle (within the meaning of Part V of this Act) without being licensed for the purpose under that Part or licensed under Part III of this Act to drive all types of single-deck public service vehicles, or employing a person who is not so licensed to drive on a road a heavy goods vehicle (within the meaning of the said Part V) (subsection (2) of section one hundred and ninety-two of this Act). | — | — | — |
| 20. Using, or causing or permitting the use of, a motor vehicle on a road without there being in force in relation to the use of the vehicle such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of Part VI of this Act (subsection (1) of section two hundred and one of this Act). | — | — | — |
| 21. Taking and driving away a motor vehicle without having either the consent of the owner thereof or other lawful authority (subsection (1) of section two hundred and seventeen of this Act). | — | — | — |

| | | | |
|---|---|---|---|
| 22. Driving a motor vehicle on a road at a speed exceeding a statutory speed limit. | No disqualification on first or second conviction. | — | Conviction involves obligatory endorsement unless the court, for any special reason, thinks fit to order otherwise. |
| 23. An offence in respect of a motor vehicle under the Road Transport Lighting Act, 1957. | — | — | — |
| 24. An offence under any statutory provision, committed in respect of a motor vehicle, being an offence—<br>(*a*) of failure to conform to the indication given by a traffic sign or to comply with a direction given by a police constable, or<br>(*b*) of failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, or<br>(*c*) of using a vehicle on a road, or causing or permitting a vehicle to be so used, so as, 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, to cause, or to be likely to cause, danger, and in particular (but without prejudice to the generality of this subparagraph), of contravening any requirement as to brakes, steering gear or tyres or any other requirement prescribed under subsection (1) of section sixty-five of this Act. | — | — | — |

Sections 118, 160, 234, 240 and 247.

# TWELFTH SCHEDULE

## CONDITIONS AFFECTING CLASSIFICATION OF PUBLIC SERVICE VEHICLES

### PART I

### RACE MEETINGS, PUBLIC GATHERINGS, &C.

1. The journey on which the passengers are being carried must be made on the occasion of a race meeting, public gathering or other like special occasion.

### PART II

### CONDITIONS RELATING TO CERTAIN JOURNEYS FOR VEHICLES CARRYING FOUR PASSENGERS OR LESS

2. The number of passengers carried must not exceed four.

3. The making of the agreement for the payment of separate fares must not have been initiated by the driver or by the owner of the vehicle, by the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, or by any person who receives any remuneration in respect of the arrangements for the journey:

Provided that the agreement may have been initiated by the driver or owner if the passengers are not being carried in the course of a business of carrying passengers.

4. The journey must be made without previous advertisement to the public of facilities for its being made by passengers to be carried at separate fares.

5. The journey must not be one on which passengers are carried at separate fares frequently, or as a matter of routine, in the same vehicle or in vehicles (other than vehicles used under a road service licence) belonging to the same owner or belonging partly to one person and partly to another who is a party to a hiring agreement or hire-purchase agreement of which any of the vehicles is the subject.

6. The journey must not be made in conjunction with, or in extension of, a service provided under a road service licence if the vehicle is owned by, or made available under any arrangement (including a hiring agreement or hire-purchase agreement) with, the holder of the licence or any person who receives any remuneration in respect of the service provided thereunder or in respect of arrangements for that service.

### PART III

### PARTIES OF OVERSEAS VISITORS

7. Each of the passengers making the journey must have been outside Great Britain at the time of concluding his arrangements to make the journey.

PART IV

ALTERNATIVE CONDITIONS AFFECTING CLASSIFICATION

8. Arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of,—

(*a*) the holder of the public service vehicle licence in respect of the vehicle, if such a licence is in force,

(*b*) the driver or the owner of the vehicle or the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, if no such licence is in force,

and otherwise than by any person who receives any remuneration in respect of the arrangements.

9. The journey must be made without previous advertisement to the public of the arrangements therefor.

10. All the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.

11. No differentiation of fares for the journey on the basis of distance or of time must be made.

12. In the case of a journey to a particular destination the passengers must not include any person who frequently, or as a matter of routine, travels, at or about the time of day at which the journey is made, to or to the vicinity of that destination from a place from or through which the journey is made.

PART V

SUPPLEMENTARY

13. For the purposes of paragraphs 4 and 9 of this Schedule no account shall be taken of any such advertisement as follows, that is to say,—

(*a*) a notice displayed or announcement made at or in any place of worship in the manner in which notices or announcements for the information of persons attending that place of worship are normally displayed or made, or

(*b*) a notice displayed in any periodical published for the information of persons who attend a particular place of worship or a place of worship in a particular place, and circulating wholly or mainly among persons who attend or might reasonably be expected to attend there.

14.—(1) A vehicle adapted to carry eight or more passengers shall not be treated as having been used in circumstances in which the conditions set out in Part III or Part IV of this Schedule were fulfilled unless, within such time as may be prescribed, the holder of the public service vehicle licence in respect of the vehicle makes, or causes to be made, a record in such form as may be prescribed containing such particulars, other than particulars of fares or prices, relating to the journey and the circumstances in which it was arranged as may be prescribed.

12TH SCH.

(2) A vehicle adapted to carry eight or more passengers shall not be treated as being used as aforesaid unless the driver of the vehicle carries a work ticket in such form and containing such particulars as may be prescribed, being particulars appearing to the Minister requisite for enabling records made under the last foregoing sub-paragraph to be traced and identified.

(3) The driver of a vehicle shall, on demand by a police constable in uniform or by a person authorised by the traffic commissioners, on production if so required of that person's authority, produce a work ticket carried by him under this paragraph for inspection by the constable or person authorised; and if the driver fails so to do he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(4) The holder of a public service vehicle licence who has made or caused to be made such a record as aforesaid shall preserve it for a period of six months from the date on which it is made and shall, if required so to do at any time during that period, produce it for inspection by a person authorised by the traffic commissioners, on production if so required of that person's authority, and if he fails so to preserve or produce it he shall be liable on summary conviction to such punishment as is specified in the last foregoing sub-paragraph.

15. In this Schedule "owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

Sections 164, 190, 191 and 254.

## THIRTEENTH SCHEDULE

### CASES IN WHICH CARRIER'S LICENCE NOT REQUIRED

1. The use of a farmer's goods vehicle within the meaning of the Vehicles (Excise) Act, 1949, where the use is for the purpose for which the vehicle must be solely used if it is to remain a farmer's goods vehicle within the meaning of that Act.

2. The use of a vehicle in a case where the excise duty in respect of the vehicle under the Vehicles (Excise) Act, 1949, is chargeable at the rate applicable to vehicles specified in paragraph (*a*) of subsection (2) of section four of that Act, and the use is for one of the purposes for which the vehicle must be solely used if the duty is to remain chargeable at that rate.

3. The use of a trailer drawn by such a vehicle as is mentioned in paragraph 1 of this Schedule, where the trailer is being used for the purpose mentioned in that paragraph, or the use of a trailer drawn by a vehicle used in the circumstances mentioned in paragraph 2 of this Schedule, where the trailer is being used for one of the purposes mentioned in that paragraph.

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4. The use for a purpose other than the carriage of goods for hire or reward of a trailer drawn by a vehicle constructed solely for the carriage of not more than seven passengers, exclusive of the driver, and their effects.

5. The use of a public service vehicle as a stage carriage, express carriage, or contract carriage in pursuance of a licence granted under Part III of this Act.

6. The use of a vehicle which is a hackney carriage within the meaning of the Vehicles (Excise) Act, 1949, as such a carriage.

7. The use of a vehicle for the purposes of funerals.

8. The use by a local authority, or a person acting in pursuance of a contract with a local authority, of a vehicle for road cleansing, road watering or the collection or disposal of refuse, night-soil or the contents of cesspools, or for the purposes of the enactments relating to weights and measures or the sale of food and drugs.

9. The use of a vehicle for police, fire brigade or ambulance purposes.

10. The use of a vehicle for towing a disabled motor vehicle, or for removing goods from a disabled vehicle to a place of safety.

11. The use of a vehicle under the provisions of section seventy-two of the Mines and Quarries Act, 1954 (which makes provision as to fire-fighting and rescue operations at mines).

12. The use of a vehicle for any purpose specified in regulations or the use of a vehicle of any class or description specified in regulations for any purpose or for any purpose so specified.

## FOURTEENTH SCHEDULE

Sections 173, 178, 180 and 191 and 19th Sch.

CONVICTIONS, &C., RELEVANT FOR PURPOSES OF SECTIONS 173 AND 178

1. A conviction, in relation to an authorised vehicle, of the holder of the licence or a servant or agent of his of contravening or failing to comply with any statutory provision (however expressed) relating to—

(*a*) the maintenance of vehicles in a fit and serviceable condition, or

(*b*) limits of speed and weight, laden and unladen, and the loading of goods vehicles, or

(*c*) the time for which drivers of such vehicles as are regulated by section seventy-three of this Act may remain continuously on duty and the hours which they are to have for rest, or

(*d*) the keeping by holders of licences under Part IV of this Act of records as to hours of work, journeys, loads and other matters.

2. A prohibition of the use of an authorised vehicle under section one hundred and eighty-four of this Act.

Sections 198 and 199.

## FIFTEENTH SCHEDULE

### TRANSITIONAL PROVISIONS RELATING TO LICENCES TO DRIVE HEAVY GOODS VEHICLES

1. On the first application for a heavy goods vehicle driver's licence made, on or after the day of the making of the order appointing a day for the purposes of section one hundred and ninety-two of this Act, by a person who satisfies the licensing authority that in the course of the year ending on the first-mentioned day he has been during any period or periods of, or amounting in the aggregate to, six months, in the habit of driving a heavy goods vehicle, and on payment of the fee prescribed for the purposes of section one hundred and ninety-six of this Act, the licensing authority shall grant the licence, and the provisions of subsection (2) of section one hundred and ninety-three of this Act shall not apply in relation to such an application.

2. On the first application for a heavy goods vehicle driver's licence by a person who satisfies the licensing authority that in the course of the year ending on the first day of April, nineteen hundred and thirty-four, he had been during any period or periods of, or amounting in the aggregate to, six months, in the habit of driving a heavy goods vehicle (other than a person who at any time held a licence to drive such a vehicle granted under section thirty-one of the Road Traffic Act, 1934, by virtue of subsection (6) of that section), and on payment of the fee prescribed for the purposes of section one hundred and ninety-six of this Act, the licensing authority shall grant the licence and the provisions of subsection (2) of section one hundred and ninety-three of this Act shall not apply in relation to such an application.

3. Subsection (1) of section one hundred and ninety-two of this Act shall not have effect as respects—

(*a*) the driving of a heavy goods vehicle of any class by a person who, at the beginning of the appointed day, is the holder of a licence granted under Part II of this Act authorising him to drive a heavy goods vehicle of that class, or

(*b*) the employment, to drive a heavy goods vehicle of any class, of a person who at the beginning of the appointed day is the holder of such a licence authorising him to drive a heavy goods vehicle of that class,

so long as (in either case) the licence in question remains in force.

4. With a view to spreading the work of granting heavy goods vehicle drivers' licences the licensing authority may, on an application for a licence made within the period of four years beginning with the day of the making of the order appointing a day for the purposes of section one hundred and ninety-two of this Act, direct that any licence granted on the application, other than a licence issued as a provisional licence, shall, notwithstanding the provisions of subsection (4) of section one hundred and ninety-three of this Act, continue in force (unless previously revoked) during such period, being a period of not less than one nor more than three years from the date on which the licence is expressed to take effect, as the licensing authority may at the time of the granting of the licence determine.

## SIXTEENTH SCHEDULE

Section 221.

SUPPLEMENTARY PROVISIONS IN CONNECTION WITH PROCEEDINGS FOR OFFENCES UNDER SECTION 221

1.—(1) A person against whom proceedings are brought in England or Wales for an offence under section two hundred and twenty-one of this Act (hereinafter referred to as " the principal section ") shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of that section was due brought before the court in the proceedings; and if, after the contravention has been proved, the original accused proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original accused further proves that he has used all due diligence to secure that that section was complied with, he shall be acquitted of the offence.

(2) Where an accused seeks to avail himself of the provisions of the foregoing sub-paragraph—

(*a*) the prosecution, as well as the person whom the accused charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence;

(*b*) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears that an offence under the principal section has been committed in respect of which proceedings might be taken in England or Wales against some person (hereinafter referred to as " the original offender "), and a person proposing to take proceedings in respect of the offence is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person, being an act or default which took place in England or Wales, and that the original offender could establish a defence under sub-paragraph (1) of this paragraph, the proceedings may be taken against that other person without proceedings' first being taken against the original offender.

In any such proceedings the accused may be charged with, and on proof that the contravention was due to his act or default be convicted of, the offence with which the original offender might have been charged.

2.—(1) Where proceedings are brought in England or Wales against a person (hereafter in this paragraph referred to as " the accused ") in respect of a contravention of the principal section, and it is proved—

(*a*) that the contravention was due to the act or default of some other person, being an act or default which took place in Scotland, and

(*b*) that the accused used all due diligence to secure compliance with that section,

the accused shall, subject to the provisions of this paragraph, be acquitted of the offence.

16TH SCH.

(2) The accused shall not be entitled to be acquitted under this paragraph unless within seven days from the date of the service of the summons on him he has given notice in writing to the prosecution of his intention to rely upon the provisions of this paragraph, specifying the name and address of the person to whose act or default he alleges that the contravention was due, and has sent a like notice to that person.

(3) The person specified in a notice served under this paragraph shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

(4) Where it is proved that the contravention of the principal section was due to the act or default of some person other than the accused, being an act or default which took place in Scotland, the court shall (whether or not the accused is acquitted) cause notice of the proceedings to be sent to the Minister.

3.—(1) Where a contravention of the principal section committed by a person in Scotland was due to an act or default of any other person, being an act or default which took place in Scotland, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with and convicted of the contravention and shall be liable on conviction to the same punishment as might have been inflicted on the first-mentioned person if he had been convicted of the contravention.

(2) Where a person who is charged in Scotland with a contravention of the principal section proves to the satisfaction of the court that he has used all due diligence to secure that the provision in question was complied with and that the contravention was due to the act or default of some other person, the first-mentioned person shall be acquitted of the contravention.

4.—(1) Subject to the provisions of this paragraph, in any proceedings (whether in England or Wales or Scotland) for an offence under the principal section it shall be a defence for the accused to prove—

(*a*) that he purchased the helmet in question as being of a type which under the principal section could be lawfully sold or offered for sale, and with a written warranty to that effect, and

(*b*) that he had no reason to believe at the time of the commission of the alleged offence that it was not of such a type, and

(*c*) that it was then in the same state as when he purchased it.

(2) A warranty shall only be a defence in any such proceedings if—

(*a*) the accused—

(i) has, not later than three clear days before the date of the hearing, sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and

(ii) has also sent a like notice of his intention to that person, and

(*b*) in the case of a warranty given by a person resident outside the United Kingdom, the accused proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein.

(3) Where the accused is a servant of the person who purchased the helmet in question under a warranty, he shall be entitled to rely on the provisions of this paragraph in the same way as his employer would have been entitled to do if he had been the accused.

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

5.—(1) An accused who in any proceedings for an offence under the principal section wilfully applies to a helmet a warranty not given in relation to that helmet shall be guilty of an offence.

(2) A person who, in respect of a helmet sold by him, being a helmet in respect of which a warranty might be pleaded under the last foregoing paragraph, gives to the purchaser a false warranty in writing, shall be guilty of an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained therein were accurate.

(3) A person guilty of an offence under this paragraph shall be liable on summary conviction to the like penalties as under the principal section.

(4) Where the accused in a prosecution for an offence under the principal section relies successfully on a warranty given to him or to his employer, any proceedings under sub-paragraph (2) of this paragraph in respect of the warranty may, at the option of the prosecutor, be taken either before a court having jurisdiction in the place where the helmet, or any of the helmets, to which the warranty relates was procured, or before a court having jurisdiction in the place where the warranty was given.

## SEVENTEENTH SCHEDULE

Sections 264 and 265.

### AMENDMENTS OF OTHER ACTS

*The Roads and Bridges (Scotland) Act, 1878*
(41 & 42 Vict. c. 51)

Schedule (C) shall have effect, in relation to a vehicle to which subsection (2) of section sixty-four of this Act applies, as if in section XCVI (penalties for persons committing various nuisances on highways) the words " or more than one foot laterally beyond the wheel of such carriage ", and section CVIII, were omitted.

*The Burgh Police (Scotland) Act, 1892*
(55 & 56 Vict. c. 55)

Paragraph (50) of section three hundred and eighty-one (which provides for the labelling of carriages and carts) shall not have effect in relation to vehicles to which subsection (2) of section sixty-four of this Act applies.

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*The Road Traffic Act, 1930*
(20 & 21 Geo. 5. c. 43)

After subsection (1) of section one hundred and twenty-one (interpretation) there shall be inserted the following subsection:—

"(1A) References in this Act to public service vehicles, contract carriages and the London Traffic Area shall be construed in like manner as if they were contained in the Road Traffic Act, 1960.".

*The London Passenger Transport Act, 1933*
(23 & 24 Geo. 5. c. 14)

In subsection (2) of section sixteen and subsection (3) of section seventeen (penalties for carrying passengers contrary to those sections), for the words "he shall be guilty of an offence under the Road Traffic Act, 1930" there shall be substituted the words "he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months; and any sum paid to the Secretary of State under section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine imposed in respect of an offence under this subsection shall be deemed to be Exchequer moneys within the meaning of that section.".

After subsection (1) of section one hundred and seven (interpretation) there shall be inserted the following subsection:—

"(1A) References in this Act to public service vehicles, stage carriages, express carriages, contract carriages and the London Traffic Area shall be construed in like manner as if they were contained in the Road Traffic Act, 1960.".

*The Civil Defence Act, 1939*
(2 & 3 Geo. 6. c. 31)

In subsection (1) of section eight (power of local authorities to construct underground car-parks suitable for use as air-raid shelters), for the words "section sixty-eight of the Public Health Act, 1925, or under section twenty of the Restriction of Ribbon Development Act, 1935" there shall be substituted the words "section eighty-one or eighty-two of the Road Traffic Act, 1960,".

*The Local Government (Scotland) Act, 1947*
(10 & 11 Geo. 6. c. 43)

The following entry shall be added to the Sixth Schedule:—

| | |
|---|---|
| "Sections 81 (13), 83 (9) and 261 (2) of the Road Traffic Act, 1960. | Such period as the Secretary of State may fix". |

*The Transport Act, 1947*
(10 & 11 Geo. 6. c. 49)

In subsection (2) of section one hundred and twenty-five (interpretation) for the words from "expressions used in Part III" to the end there shall be substituted the words "references in this Act to public service vehicles, express carriages, stage carriages, tramcars and trolley vehicles shall be construed in like manner as if they were contained in the Road Traffic Act, 1960.".

17TH SCH.

In paragraph 5 of the Tenth Schedule (provisions as to the Transport Tribunal) the reference to the jurisdiction conferred on the Transport Tribunal by the Act shall be construed as including a reference to jurisdiction conferred on them by Part IV of this Act and, in sub-paragraph (1) of paragraph 6 of that Schedule, after the words "Court of Session" there shall be inserted the words "or by virtue of any jurisdiction conferred on them by Part IV of the Road Traffic Act, 1960.".

*The Transport Act, 1953*
(1 & 2 Eliz. 2. c. 13)

In section eleven (regulations for carrying into effect preceding provisions as to disposal of British Transport Commission's road haulage undertaking),—

(*a*) in subsection (1), for the words "The power of the Minister under section twenty-five of the Road and Rail Traffic Act, 1933, to make regulations for the purpose of carrying Part I of that Act into effect", there shall be substituted the words "The power of the Minister under section one hundred and ninety of the Road Traffic Act, 1960, to make regulations for the purpose of carrying Part IV of that Act into effect', and for the words "Part I", where last occurring, there shall be substituted the words "Part IV";

(*b*) in subsection (2), for the words "section thirty-four of the Road and Rail Traffic Act, 1933", there shall be substituted the words "sections two hundred and thirty-three and two hundred and thirty-seven of the Road Traffic Act, 1960".

In subsection (3) of section thirty-five (interpretation), for the words "expressions have the same meanings as in the Road Traffic Act, 1930", there shall be substituted the words "references to public service vehicles and contract carriages shall be construed in like manner as if they were contained in the Road Traffic Act, 1960".

Any reference in the First Schedule (rights of obtaining licences for five years for goods vehicles free of charge) to the giving of directions under subsection (3) of section thirteen of the Road and Rail Traffic Act, 1933, shall be construed as a reference to the giving of directions under section one hundred and seventy-eight of this Act for the curtailment of a licence.

*The Local Government (Miscellaneous Provisions) Act, 1953*
(1 & 2 Eliz. 2. c. 26)

In subsection (4) of section four (provision of omnibus shelters, &c.) for the words from "and 'public service vehicle'" to the end there shall be substituted the words "and the references to public service vehicles shall be construed in like manner as if they were contained in the Road Traffic Act, 1960, it being assumed that so much of subsection (1) of section one hundred and seventeen of that Act as excludes tramcars and trolley vehicles were omitted".

17TH SCH.

*The Post Office Act, 1953*
(1 & 2. Eliz. 2. c. 36)

After subsection (1) of section eighty-seven (interpretation) there shall be inserted the following subsection:—

"(1A) In the application of this Act to Great Britain, references to public service vehicles shall be construed in like manner as if they were contained in the Road Traffic Act, 1960.".

*The Transport Charges &c. (Miscellaneous Provisions) Act, 1954*
(2 & 3 Eliz. 2. c. 64)

In subsection (1) of section thirteen (interpretation) for the words from "and 'public service vehicle'" to the end there shall be substituted the words "and references to public service vehicles, road service licences and trolley vehicles shall be construed in like manner as if they were contained in the Road Traffic Act, 1960.".

*The Road Transport Lighting Act, 1957*
(5 & 6 Eliz. 2. c. 51)

At the end of section thirteen (regulations) there shall be added the following subsection:—

"(3) Before making any regulations under this Act the Minister shall consult with such representative organisations as he thinks fit.".

*The Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act, 1958*
(6 & 7 Eliz. 2. c. 50)

In subsection (1) of section seven (interpretation) the definition of "public service vehicle" shall be omitted and there shall be added at the end of that subsection the words "and the references to public service vehicles shall be construed in like manner as if they were contained in the Road Traffic Act, 1960, it being assumed that so much of subsection (1) of section one hundred and seventeen of that Act as excludes tramcars and trolley vehicles were omitted."

*The Highways Act, 1959*
(7 & 8 Eliz. 2. c. 25)

In subsection (1) of section nineteen (certain trunk roads to be treated as special roads), for the words "the Special Roads Act, 1949 (except subsection (2) of section nine)" there shall be substituted the words "subsection (4) of section nine of the Special Roads Act, 1949".

After subsection (4) of section two hundred and ninety-five (interpretation) there shall be inserted the following subsection:—

"(4A) References in this Act to the London Traffic Area shall be construed in like manner as if they were contained in the Road Traffic Act, 1960.".

## EIGHTEENTH SCHEDULE

Section 267 and 19th and 20th Schs.

REPEALS AND REVOCATIONS

PART I

ENACTMENTS REPEALED

| Session and Chapter | Short Title | Extent of Repeal |
|---|---|---|
| 14 & 15 Geo. 5. c. 34. | The London Traffic Act, 1924. | The whole Act. |
| 15 & 16 Geo. 5. c. 71. | The Public Health Act, 1925. | Section sixty-eight. |
| 20 & 21 Geo. 5. c. 43. | The Road Traffic Act, 1930. | Sections one to fifty.<br>In section fifty-seven, subsections (3) to (5).<br>Section fifty-nine.<br>In section sixty, paragraph (*a*).<br>Part IV.<br>In section one hundred and eight, subsection (2).<br>In section one hundred and ten, the words " within the meaning of the London Traffic Act, 1924 ".<br>Sections one hundred and eleven and one hundred and twelve.<br>In section one hundred and thirteen, in subsection (2), the words " for which no special penalty is provided ", and subsection (3).<br>Section one hundred and sixteen.<br>In section one hundred and seventeen, the words from " or the regulations made thereunder " to " this Act ".<br>In section one hundred and nineteen, subsection (1), in subsection (3), the words from " or of section one hundred and twenty " to the end, subsections (5) and (6), in subsection (8), the words from " provided that " to the end, and subsection (10).<br>Section one hundred and twenty.<br>In section one hundred and twenty-one, in subsection (1), the definitions of " tramcar ", " owner ", " driver ", " prescribed ", " bridge authority ", " police authority ", " chief officer of police ", " police fund " and " salvage ", and subsection (2).<br>Section one hundred and twenty-two.<br>The Schedules. |

18TH SCH.

| Session and Chapter | Short Title | Extent of Repeal |
|---|---|---|
| 21 & 22 Geo. 5. c. 32. | The Road Traffic (Amendment) Act, 1931. | The whole Act. |
| 23 & 24 Geo. 5. c. 14. | The London Passenger Transport Act, 1933. | In section fifty-one, subsection (2), in subsection (4), the words from "(*b*) that as regards" to "transferred to the said Commissioner of Police", in subsection (5), paragraph (*a*), subsection (6) and, in subsection (7), the words "public service vehicles".<br>Sections fifty-two, fifty-three, fifty-seven and fifty-eight.<br>In section fifty-nine, in subsection (1), paragraph (*a*), in paragraph (*c*) the word "either", the words "the Act of 1924 or", and the words from "The provisions" onwards.<br>Sections sixty, sixty-one, sixty-three and sixty-four.<br>In section one hundred and seven, in subsection (1), in the definition of "Advisory Committee", the words from "as constituted" to the end, and the definitions of "London Traffic Area", "public service vehicle", "express carriage", "contract carriage" and "stage carriage".<br>The Eleventh, Twelfth and Thirteenth Schedules. |
| 23 & 24 Geo. 5. c. 53. | The Road and Rail Traffic Act, 1933. | Part I.<br>The First Schedule. |
| 24 & 25 Geo. 5. c. 50. | The Road Traffic Act, 1934. | Sections one to twenty-two.<br>Sections twenty-six to thirty-eight.<br>In section forty-one, paragraphs (1) to (7) and (9) to (12).<br>In section forty-two, in subsection (1), the words "and shall be" onwards, and subsection (2).<br>The First and Second Schedules.<br>The Third Schedule, except the entries therein relating to subsection (2) of section fifty-seven, and to section one hundred and seven, of the Road Traffic Act, 1930. |

18TH SCH.

| Session and Chapter | Short Title | Extent of Repeal |
|---|---|---|
| 25 & 26 Geo. 5. c. 47. | The Restriction of Ribbon Development Act, 1935. | Section sixteen.<br>In section twenty, subsection (2).<br>In section twenty-three, in subsection (2), the words from "and for the purposes" to the end.<br>In section twenty-five, in paragraph (2), the words "for any reference to section sixty-eight of the Public Health Act, 1925, there shall be substituted a reference to section one hundred and twenty of the Road Traffic Act, 1930", and paragraph (9). |
| 26 Geo. 5. & 1 Edw. 8. c. 23. | The Road Traffic (Driving Licences) Act, 1936. | The whole Act. |
| 1 Edw. 8. & 1 Geo. 6. c. 5. | The Trunk Roads Act, 1936. | In the Second Schedule, the entries relating to sections forty-seven and forty-eight of the Road Traffic Act, 1930, and section thirty of the Road and Rail Traffic Act, 1933.<br>In the Third Schedule, in Part I, the entries relating to section forty-six of the Road Traffic Act, 1930, and sections one and eighteen of the Road Traffic Act, 1934. |
| 1 Edw. 8 & 1 Geo. 6. c. 44. | The Road Traffic Act, 1937. | The whole Act. |
| 1 Edw. 8. & 1 Geo. 6. c. 52. | The Chairmen of Traffic Commissioners, &c. (Tenure of Office) Act, 1937. | Section one. |
| 1 & 2 Geo. 6. c. 37. | The Street Playgrounds Act, 1938. | The whole Act. |
| 1 & 2 Geo. 6. c. 44. | The Road Haulage Wages Act, 1938. | In section seven, subsection (4). |
| 1 & 2 Geo. 6. c. 48. | The Criminal Procedure (Scotland) Act, 1938. | Section seven. |
| 2 & 3 Geo. 6. c. 31. | The Civil Defence Act, 1939. | In section ninety-one, subsection (6). |
| 9 & 10 Geo. 6. c. 13. | The Finance (No. 2) Act, 1945. | Section five. |
| 9 & 10 Geo. 6. c. 26. | The Emergency Laws (Transitional Provisions) Act, 1946. | In the Second Schedule, the entries relating to the Road and Rail Traffic Act, 1933, and the Road Traffic Act, 1934. |
| 9 & 10 Geo. 6. c. 28. | The Assurance Companies Act, 1946. | The whole Act. |
| 9 & 10 Geo. 6. c. 30. | The Trunk Roads Act, 1946. | In section three, subsection (1). |
| 9 & 10 Geo. 6. c. 81. | The National Health Service Act, 1946. | In the Tenth Schedule, the paragraph relating to the Road Traffic Acts, 1930 and 1934. |

18TH SCH.

| Session and Chapter | Short Title | Extent of Repeal |
|---|---|---|
| 10 & 11 Geo. 6. c. 8. | The Road Traffic (Driving Licences) Act, 1947. | The whole Act. |
| 10 & 11 Geo. 6. c. 27. | The National Health Service (Scotland) Act, 1947. | In the Eleventh Schedule, the paragraph relating to the Road Traffic Acts, 1930 and 1934. |
| 10 & 11 Geo. 6. c. 49. | The Transport Act, 1947. | Sections fifty-seven and seventy-three.<br>In section one hundred and twenty-five, subsection (2). |
| 11 & 12 Geo. 6. c. 58. | The Criminal Justice Act, 1948. | In section forty-one, subsection (2). |
| 12, 13 & 14 Geo. 6. c. 32. | The Special Roads Act, 1949. | Section twelve.<br>In section sixteen, in subsection (1), the words from " and for prescribing " to the end. |
| 14 Geo. 6. c. 24 | The Highways (Provision of Cattle-Grids) Act, 1950. | Section six. |
| 14 Geo. 6. c. 39 | The Public Utilities Street Works Act, 1950. | In section twenty-seven, subsection (1). |
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. 55. | The Magistrates' Courts Act, 1952. | In the Fifth Schedule, the entry relating to the Road Traffic Act, 1930. |
| 1 & 2 Eliz. 2. c. 13. | The Transport Act, 1953. | Section nine.<br>In section eighteen, in subsection (2), the words from the beginning to the end of proviso (*a*), and, in subsection (4), paragraphs (*b*) and (*c*).<br>In section twenty-five, subsection (4). |
| 1 & 2 Eliz. 2. c. 33. | The Education (Miscellaneous Provisions) Act, 1953. | In section twelve, subsection (2). |
| 1 & 2 Eliz. 2. c. 36. | The Post Office Act, 1953. | In section eighty-seven, in subsection (1), the definition of " public service vehicle ". |
| 1 & 2 Eliz. 2. c. 45. | The School Crossing Patrols Act, 1953. | The whole Act. |
| 1 & 2 Eliz. 2. c. 47. | The Emergency Laws (Miscellaneous Provisions) Act, 1953. | Sections seven and eight.<br>In section thirteen, the words " seven, eight ".<br>In the First Schedule, paragraphs 1 and 2. |
| 2 & 3 Eliz. 2. c. 64. | The Transport Charges, &c. (Miscellaneous Provisions) Act, 1954. | In section nine, in subsection (1), the words " public service vehicles ". |
| 3 & 4 Eliz. 2. c. 18. | The Army Act, 1955 ... | In section one hundred and seventy-three, the words from " and section thirty-five " to the end. |
| 3 & 4 Eliz. 2. c. 19. | The Air Force Act, 1955 | In section one hundred and seventy-three, the words from " and section thirty-five " to the end. |

18TH SCH.

| Session and Chapter | Short Title | Extent of Repeal |
|---|---|---|
| 4 & 5 Eliz. 2. c. 6. | The Miscellaneous Financial Provisions Act, 1955. | In the First Schedule, the entry relating to the London Traffic Act, 1924, paragraphs 3 and 4 of the entry relating to the Road Traffic Act, 1930, and the entries relating to the Road and Rail Traffic Act, 1933, and the Road Traffic Act, 1934. |
| 4 & 5 Eliz. 2. c. 67. | The Road Traffic Act, 1956. | Sections one to forty-four (except subsection (5) of section four).<br>Sections forty-six to fifty-one.<br>In section fifty-two, in subsection (1), the words " the Minister or of ", subsections (2) and (3), and, in subsection (4), the words " under Part I of the Local Government Act, 1948, or ".<br>Section fifty-three.<br>In section fifty-four, subsections (1) and (2).<br>In section fifty-five, in subsection (1), the words from " and this Act " to the end, and subsections (3) and (4).<br>The Schedules. |
| 5 & 6 Eliz. 2. c. 29. | The Magistrates' Courts Act, 1957. | Section two and, in section six, in subsection (4), the word " two ". |
| 5 & 6 Eliz. 2. c. 42. | The Parish Councils Act, 1957. | Section four.<br>In section five, in subsection (1), the words " or any parking place " and, in subsection (4), the words " parking place (including any structure for use as a parking place) or other " and the words " parking place or other ", and subsection (5). |
| 5 & 6 Eliz. 2. c. 44. | The National Health Service (Amendment) Act, 1957. | In section one, subsection (2). |
| 5 & 6 Eliz. 2. c. 51. | The Road Transport Lighting Act, 1957. | In section eleven, in subsection (2), the words " and for the purposes of section eight of the Road Traffic Act, 1934 ".<br>In section twelve, subsection (3).<br>In section eighteen, subsection (4).<br>Section twenty. |
| 6 & 7 Eliz. 2 c. 50. | The Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act, 1958. | In section seven, in subsection (1), the definition of " public service vehicle ". |
| 6 & 7 Eliz. 2. c. 55. | The Local Government Act, 1958. | In the Eighth Schedule, paragraphs 32 and 34 and, in paragraph 35, the words " and 34 ". |
| 6 & 7 Eliz. 2. c. 64. | The Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958. | In the Fourth Schedule, paragraphs 18 and 20. |

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| Session and Chapter | Short Title | Extent of Repeal |
|---|---|---|
| 7 & 8 Eliz. 2. c. 25. | The Highways Act, 1959. | In section two hundred and ninety-five, in subsection (1), the definition of "London Traffic Area".<br>In the Twenty-second Schedule, the entry relating to the Highways (Provision of Cattle-Grids) Act, 1950. |

PART II

ORDERS AND REGULATIONS REVOKED

| Year and Number | Short Title | Extent of Revocation |
|---|---|---|
| S.R. & O. 1934/1400. | The Metropolitan Traffic Area (Drivers' and Conductors' Licences) Order, 1934. | In Article 2, the definitions of "the Metropolitan Traffic Area", "the Traffic Commissioner", "the Act of 1930" and "public service vehicle".<br>Part II. |
| S.R. & O. 1940/2073 (S. 98). | The Variation of Traffic Areas (Scotland) Order, 1940. | The whole of the order. |
| S.I. 1955/1955 | The Transfer of Functions (Roads, Bridges and Ferries) Order, 1955. | In Article 6, paragraph (3).<br>In the First Schedule, in Part I, the entries relating to sections twenty-three, twenty-seven, thirty, forty-six, forty-seven, forty-eight and fifty-nine of the Road Traffic Act, 1930, all the entries relating to the Road and Rail Traffic Act, 1933, the Road Traffic Act, 1934, the Street Playgrounds Act, 1938, and the School Crossing Patrols Act, 1953, in the entry relating to the Special Roads Act, 1949, the words "except subsection (6) of section twelve", and in the entry relating to the Highways (Provision of Cattle-Grids) Act, 1950, the words "except subsection (2) of section six" and Part II. |
| S.I. 1957/340 | The Motor Vehicles (Variation of Speed Limit) Regulations, 1956. | The whole of the regulations. |
| S.I. 1959/1587 | The Metropolitan Traffic Area (Drivers' and Conductors' Licences) Order, 1959. | The whole of the order. |

## NINETEENTH SCHEDULE

Section 267

SAVINGS AND TRANSITIONAL PROVISIONS

1. In so far as any order, regulation, rule, scheme, byelaw, advance, agreement, application, appointment, arrangement, declaration, determination, nomination, objection, request, specification or statement made or having effect as if made, authorisation, dispensation, licence or permit granted, approval, certificate, consent, designation, direction or notice issued, given or delivered, condition, prohibition or requirement imposed or attached, classification or backing effected, or other thing done, under an enactment repealed by this Act could have been made, granted, issued, given, delivered, imposed, attached, effected or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by section two hundred and sixty-seven of this Act, but shall have effect as if made, granted, issued, given, delivered, imposed, attached, effected or done under that corresponding provision.

2. Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act or to appeals against disqualifications by virtue of convictions for offences so committed or against orders made in consequence of such convictions.

3. Any enactment passed before the passing of this Act referring, whether specifically or by means of a general description, to an enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act, and any document made or issued before the passing of this Act or any time thereafter (whether before or after the commencement of this Act) referring, whether specifically or by means of a general description, to an enactment so repealed shall, unless the contrary intention appears, be similarly construed.

4.—(1) Without prejudice to paragraph 1 of this Schedule, any reference in this Act (whether express or implied) to a thing done or made or falling to be done or made, or to a thing suffered, or to an event which has occurred, under or for the purposes of or by reference to a provision of this Act shall, in so far as the context permits, be construed as including a reference to the corresponding thing done or made or falling to be done or made, to the corresponding thing suffered or, as the case may be, to the corresponding event which occurred under, or for the purposes of, or by reference to, the corresponding provision of the enactments repealed by this Act.

(2) The foregoing sub-paragraph shall not apply to any reference in this Act to a conviction except the reference thereto in the Fourteenth Schedule to this Act.

5.—(1) For the purpose of determining—

(*a*) the punishment (by fine, imprisonment or both) which may be imposed on a person in respect of the commission by him of an offence against any provision of this Act, or

(*b*) whether such an offence committed by a person involves obligatory disqualification for holding or obtaining a licence under Part II of this Act, or

(*c*) whether the power of the court to order disqualification for holding or obtaining such a licence in consequence of the

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commission by a person of such an offence is excluded or subject to any limitation,

then—

(i) if the offence is against a provision specified in the first column of the following Table, an offence committed by that person against the provision of the Road Traffic Act, 1930 ("the 1930 Act") or the Road Traffic Act, 1956 ("the 1956 Act") specified in the second column of that Table in relation to the first-mentioned provision shall be deemed to have been committed against that provision, and

(ii) if the offence is against any other provision of this Act, an offence committed by that person against the corresponding provision of the enactments repealed by this Act shall be deemed to have been committed against that other provision.

TABLE

| Provision of this Act | Provision of the 1930 or 1956 Act |
|---|---|
| Subsection (1) of section two. | Subsection (1) of section eleven of the 1930 Act, in its application to motor vehicles. |
| Subsection (1) of section three. | Subsection (1) of section twelve of the 1930 Act, in its application to motor vehicles. |
| Subsection (1) of section six. | Subsection (1) of section fifteen of the 1930 Act, in so far as it applied to driving or attempting to drive a motor vehicle. |
| Subsection (2) of section six. | Subsection (1) of section fifteen of the 1930 Act in so far as it applied to driving or attempting to drive, or being in charge of, a motor vehicle.<br>Subsection (1) of section nine of the 1956 Act. |
| Section nine ... ... | Subsection (1) of section eleven of the 1930 Act, in its application, by virtue of section eleven of the 1956 Act, to bicycles and tricycles not being motor vehicles. |
| Subsection (1) of section ten. | Subsection (1) of section twelve of the 1930 Act, in its application, by virtue of section eleven of the 1956 Act, to bicycles and tricycles not being motor vehicles. |
| Subsection (1) of section eleven. | Subsection (1) of section fifteen of the 1930 Act, in its application, by virtue of section eleven of the 1956 Act, to bicycles and tricycles not being motor vehicles. |
| Subsection (1) of section two hundred and twenty-six.<br>Subsection (2) of section two hundred and twenty-six. | Subsection (1) of section forty of the 1930 Act. |

(2) Without prejudice to the general application of the foregoing sub-paragraph to paragraphs 5 and 7 of the Eleventh Schedule to this Act, the reference in the said paragraph 5 (in the second column) to the offence specified in paragraph 4 shall be construed as including a reference to the corresponding offence under the enactments repealed by this Act, and the reference in the said paragraph 7 (in the third column) to the offence specified in paragraph 6 shall be similarly construed.

6. Where an offence, being an offence for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provision of this Act.

7. Section one hundred and six of this Act shall apply to a person disqualified, by virtue of a conviction under the enactments repealed by this Act, for holding a licence under Part I of the Road Traffic Act, 1930, as, by virtue of paragraph 4 of this Schedule, it applies to a person disqualified by an order of a court under those enactments for holding such a licence, references to the conviction and the court by which he was convicted being substituted for references respectively to the order by which the disqualification was imposed and the court by which the order was made.

8. Sections one hundred and six and one hundred and ten of this Act shall apply to a person disqualified by an order of a court under the Motor Car Act, 1903, for obtaining a licence under that Act as they apply to a person disqualified by an order of a court under Part II of this Act for holding or obtaining a licence under the said Part II.

9. Any person appointed to an office under or by virtue of an enactment repealed by this Act shall be deemed to have been appointed to that office under or by virtue of this Act.

10. Any record kept under an enactment repealed by this Act shall be deemed to form part of the record kept under the corresponding provision of this Act.

11. Without prejudice to the generality of the foregoing provisions of this Schedule, anything done by the Minister as respects Scotland before the coming into operation of the Transfer of Functions (Roads, Bridges and Ferries) Order, 1955, being a thing done in the exercise of a function to which the entries pertaining to that Order in the third column of Part II of the last foregoing Schedule relate, shall continue to have effect as if done by the Secretary of State or by the Minister and the Secretary of State acting jointly, as the case may be.

12. A direction in an order made under section one of the Road Traffic Act, 1934, and in force at the commencement of this Act that a length of road is to be deemed to be, or not to be, a road in a built-up area shall have effect as if it were a direction that that length of road is to become, or (as the case may be) to cease to be, a restricted road for the purposes of section nineteen of this Act, and any reference in any Act or in an instrument (other than such an order as aforesaid) made under an enactment repealed by this Act and in force as aforesaid to a road in a built-up area shall be construed as referring to such a restricted road as aforesaid.

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13. Any byelaw made under section one hundred and four of the Roads and Bridges (Scotland) Act, 1878, or paragraph (1) or (3) of section three hundred and eighty-five of the Burgh Police (Scotland) Act, 1892, which is in force at the commencement of this Act shall continue in force and have effect as if it were an order made under section twenty-six of this Act.

14. The provisions of section twenty-seven of this Act shall apply to—

(*a*) orders made by the Minister under subsection (4) of section seven of the Roads Act, 1920; and

(*b*) orders made by him under section forty-six of the Road Traffic Act, 1930, before the coming into operation of section twenty-nine of the Road and Rail Traffic Act, 1933, being orders which under the said section twenty-nine would have fallen to be made by a council to which the said section forty-six applied;

as if they were orders made by such a council; and references in any such order as is mentioned in sub-paragraph (*a*) of this paragraph to heavy motor cars or to locomotives shall be construed respectively as references to heavy motor cars as defined by this Act and to heavy locomotives and light locomotives as so defined.

15. In so far as it relates to the London Traffic Area, an order made or having effect as if made under section forty-six of the Road Traffic Act, 1930, or subsection (4) of section twenty-nine of the Road and Rail Traffic Act, 1933, which is in force at the commencement of this Act shall have effect by virtue of this paragraph but may be revoked or varied by regulations under section thirty-four of this Act.

16. The validity or duration of a licence granted under Part I of the Road Traffic Act, 1930, shall not be affected by reason that, under the provisions of section forty-eight of the Road Traffic Act, 1956, the licence ought to have been granted so as to remain in force for a period other than that for which the licence was in fact granted.

17. The repeal by this Act of subsection (2) of section forty-six of the Road Traffic Act, 1956, shall not affect the validation effected thereby of any scheme for the establishment on a road of crossings for foot passengers, and the repeal by this Act of subsection (3) of that section shall not affect the validation effected thereby of regulations under section eighteen of the Road Traffic Act, 1934; but nothing in this paragraph shall affect any proceedings for a contravention of such regulations which were pending at the coming into operation of the said section forty-six.

18. Subsection (8) of section forty-six of the Road Traffic Act, 1930, shall be deemed always to have had effect as if the reference therein to urban districts had included a reference to boroughs not being county boroughs.

19. The repeal by this Act of section one hundred and sixteen of, and the Fourth Schedule to, the Road Traffic Act, 1930, or of any enactment amending or otherwise relating to those provisions shall not affect any right to such compensation as is mentioned in that section, and the like provisions as to the determination and payment of such compensation (including provisions as to appeals against a refusal of the grant thereof or as to the amount thereof) shall apply as would have applied if this Act had not passed.

## TWENTIETH SCHEDULE

SPECIAL PROVISIONS AS TO COMING INTO OPERATION OF CERTAIN PROVISIONS OF THIS ACT

Section 270.

### PART I

RELEVANT PROVISIONS

1. The provisions of this Act referred to in subsection (1) of section two hundred and seventy thereof are—

(*a*) subsection (2) of section nineteen and the Eighteenth Schedule in so far as it operates to repeal subsections (3) and (4) of section four of the Road Traffic Act, 1956;

(*b*) section forty-one;

(*c*) section sixty-six and the Eighteenth Schedule in so far as it operates to repeal section two of the Road Traffic Act, 1956;

(*d*) section sixty-seven, the Eighth Schedule and the Eighteenth Schedule in so far as it operates to repeal section three of, and the First Schedule to, the Road Traffic Act, 1956;

(*e*) subsection (4) of section one hundred and two and the Eighteenth Schedule in so far as it operates to repeal subsection (1) of section eighteen of the Road Traffic Act, 1956;

(*f*) section two hundred and sixty-six.

### PART II

COMING INTO OPERATION OF RELEVANT PROVISIONS

2. The following provisions shall have effect as regards the provisions of this Act mentioned in sub-paragraph (*a*) of the foregoing paragraph, namely,—

(*a*) if the provisions of the Road Traffic Act, 1956, specified in that paragraph (hereinafter referred to as the "old provisions") are in operation immediately before the commencement of this Act, the said provisions of this Act (hereinafter referred to as the "new provisions") shall come into operation at that commencement;

(*b*) if the old provisions come into operation at that commencement, the new provisions shall come into operation immediately thereafter;

(*c*) if the old provisions neither are in operation immediately before, nor come into operation at, that commencement, the new provisions shall come into operation immediately after the old provisions come into operation.

3. The last foregoing paragraph shall apply to the provisions of this Act mentioned in sub-paragraph (*d*) of paragraph 1 of this Schedule and those mentioned in sub-paragraph (*e*) of that paragraph as it applies to those mentioned in sub-paragraph (*a*) of that paragraph.

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4. The following provisions shall have effect as regards the provisions of this Act mentioned in sub-paragraph (*c*) of paragraph 1 of this Schedule, namely,—

(*a*) if the provisions of the Road Traffic Act, 1956, specified in that paragraph (hereinafter referred to as the "old provisions") are, as respects all vehicles to which they apply, in operation immediately before the commencement of this Act, the said provisions of this Act (hereinafter referred to as the "new provisions") shall come into operation at that commencement;

(*b*) if the old provisions come into operation, as respects all such vehicles as aforesaid, at that commencement, the new provisions shall come into operation immediately thereafter;

(*c*) if the old provisions come into operation after that commencement on the same day as respects all such vehicles as aforesaid, the new provisions shall come into operation immediately after the old provisions come into operation;

(*d*) if different days are appointed for the coming into operation of the old provisions as respects vehicles registered at different times, and those days do not fall before that commencement, then—

(i) in relation to a vehicle as respects which the old provisions are in operation immediately before that commencement, the new provisions shall come into operation at that commencement;

(ii) in relation to a vehicle as respects which the old provisions come into operation at that commencement, the new provisions shall come into operation immediately thereafter;

(iii) in relation to a vehicle falling within neither head (i) nor head (ii) of this sub-paragraph, the new provisions shall come into operation immediately after the old provisions come into operation as respects it.

5. Sections forty-one and two hundred and sixty-six of this Act shall each come into operation on such day as the Minister may, by order made by statutory instrument, appoint in relation thereto.

## PART III

### EXTENSION OF SECTION 64 DURING ANY PERIOD OF POSTPONEMENT OF COMING INTO OPERATION OF SECTION 67

6. If, by virtue of paragraph 3 of this Schedule, the coming into operation of section sixty-seven of, and the Eighth Schedule to, this Act is postponed until after the commencement of this Act, section sixty-four thereof shall, during the period of postponement, have effect as if, at the end of paragraph (*g*) of subsection (1) thereof, there were added the words "and for empowering persons authorised by or under the regulations to test and inspect, either on a road or, subject to the consent of the owner of the premises, on any premises where the vehicle is, any such brakes, silencers or steering gear".

*Table of Statutes referred to in this Act*

| Short Title | Session and Chapter |
|---|---|
| Metropolitan Police Act, 1839 ... ... ... | 2 & 3 Vict. c. 47. |
| Town Police Clauses Act, 1847 ... ... | 10 & 11 Vict. c. 89. |
| Locomotive Act, 1861 ... ... ... ... | 24 & 25 Vict. c. 70. |
| Thames Embankment Act, 1862 ... ... | 25 & 26 Vict. c. 93. |
| Metropolitan Streets Act, 1867... ... ... | 30 & 31 Vict. c. 134. |
| Court of Session Act, 1868 ... ... ... | 31 & 32 Vict. c. 100. |
| Metropolitan Public Carriage Act, 1869 ... | 32 & 33 Vict. c. 115. |
| Licensing Act, 1872 ... ... ... ... | 35 & 36 Vict. c. 94. |
| Public Health Act, 1875... ... ... ... | 38 & 39 Vict. c. 55. |
| Roads and Bridges (Scotland) Act, 1878 ... | 41 & 42 Vict. c. 51. |
| Telegraph Act, 1878 ... ... ... ... | 41 & 42 Vict. c. 76. |
| Interpretation Act, 1889 ... ... ... | 52 & 53 Vict. c. 63. |
| Burgh Police (Scotland) Act, 1892 ... ... | 55 & 56 Vict. c. 55. |
| Local Government Act, 1894 ... ... ... | 56 & 57 Vict. c. 73. |
| Merchant Shipping Act, 1894 ... ... ... | 57 & 58 Vict. c. 60. |
| Light Railways Act, 1896 ... ... ... | 59 & 60 Vict. c. 48. |
| Locomotives Act, 1898 ... ... ... | 61 & 62 Vict. c. 29. |
| Licensing (Scotland) Act, 1903... ... ... | 3 Edw. 7. c. 25. |
| Motor Car Act, 1903 ... ... ... ... | 3 Edw. 7. c. 36. |
| Open Spaces Act, 1906 ... ... ... ... | 6 Edw. 7. c. 25. |
| Public Health Acts Amendment Act, 1907 ... | 7 Edw. 7. c. 53. |
| London Cab and Stage Carriage Act, 1907 ... | 7 Edw. 7. c. 55. |
| Bankruptcy (Scotland) Act, 1913 ... ... | 3 & 4 Geo. 5. c. 20. |
| Forgery Act, 1913 ... ... ... ... | 3 & 4 Geo. 5. c. 27. |
| Bankruptcy Act, 1914 ... ... ... ... | 4 & 5 Geo. 5. c. 59. |
| Ministry of Transport Act, 1919 ... ... | 9 & 10 Geo. 5. c. 50. |
| Roads Act, 1920 ... ... ... ... ... | 10 & 11 Geo. 5. c. 72. |
| Police Pensions Act, 1921 ... ... ... | 11 & 12 Geo. 5. c. 31. |
| London Traffic Act, 1924 ... ... ... | 14 & 15 Geo. 5. c. 34. |
| Law of Property Act, 1925 ... ... ... | 15 & 16 Geo. 5. c. 20. |
| Roads Improvement Act, 1925... ... ... | 15 & 16 Geo. 5. c. 68. |
| Parks Regulation (Amendment) Act, 1926 ... | 16 & 17 Geo. 5. c. 36. |
| Coroners (Amendment) Act, 1926 ... ... | 16 & 17 Geo. 5. c. 59. |
| Local Government (Scotland) Act, 1929 ... | 19 & 20 Geo. 5. c. 25. |
| Third Parties (Rights against Insurers) Act, 1930 ... ... ... ... ... ... | 20 & 21 Geo. 5. c. 25. |
| Road Traffic Act, 1930 ... ... ... ... | 20 & 21 Geo. 5. c. 43. |
| London Passenger Transport Act, 1933 ... | 23 & 24 Geo. 5. c. 14. |
| Local Government Act, 1933 ... ... ... | 23 & 24 Geo. 5. c. 51. |
| Road and Rail Traffic Act, 1933 ... ... | 23 & 24 Geo. 5. c. 53. |
| Road Traffic Act, 1934 ... ... ... ... | 24 & 25 Geo. 5. c. 50. |
| Restriction of Ribbon Development Act, 1935 | 25 & 26 Geo. 5. c. 47. |
| Public Health Act, 1936... ... ... ... | 26 Geo. 5 & 1 Edw. 8. c. 49. |
| Physical Training and Recreation Act, 1937 ... | 1 Edw. 8 & 1 Geo. 6. c. 46. |
| Road Haulage Wages Act, 1938 ... ... | 1 & 2 Geo. 6. c. 44. |
| Education Act, 1944 ... ... ... ... | 7 & 8 Geo. 6. c. 31. |
| Trunk Roads Act, 1946 ... ... ... ... | 9 & 10 Geo. 6. c. 30. |
| Police Act, 1946 ... ... ... ... ... | 9 & 10 Geo. 6. c. 46. |
| Acquisition of Land (Authorisation Procedure) Act, 1946 ... ... ... ... ... | 9 & 10 Geo. 6. c. 49. |
| Education (Scotland) Act, 1946 ... ... | 9 & 10 Geo. 6. c. 72. |
| National Health Service Act, 1946 ... ... | 9 & 10 Geo. 6. c. 81. |
| Local Government (Scotland) Act, 1947 ... | 10 & 11 Geo. 6. c. 43. |

| Short Title | Session and Chapter |
|---|---|
| Transport Act, 1947 ... ... ... ... | 10 & 11 Geo. 6. c. 49. |
| Special Roads Act, 1949 ... ... ... | 12, 13 & 14 Geo. 6. c. 32. |
| Vehicles (Excise) Act, 1949 ... ... ... | 12, 13 & 14 Geo. 6. c. 89. |
| Criminal Justice (Scotland) Act, 1949 ... ... | 12, 13 & 14 Geo. 6. c. 94. |
| National Parks and Access to the Countryside Act, 1949 ... ... ... ... | 12, 13 & 14 Geo. 6. c. 97. |
| Justices of the Peace Act, 1949 ... ... ... | 12, 13 & 14 Geo. 6. c. 101. |
| Highways (Provision of Cattle-Grids) Act, 1950 | 14 Geo. 6. c. 24. |
| Magistrates' Courts Act, 1952 ... ... ... | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55. |
| Local Government (Miscellaneous Provisions) Act, 1953 ... ... ... ... ... | 1 & 2 Eliz. 2. c. 26. |
| Education (Miscellaneous Provisions) Act, 1953 | 1 & 2 Eliz. 2. c. 33. |
| Summary Jurisdiction (Scotland) Act, 1954 ... | 2 & 3 Eliz. 2. c. 48. |
| Mines and Quarries Act, 1954 ... ... ... | 2 & 3 Eliz. 2. c. 70. |
| Army Act, 1955 ... ... ... ... ... | 3 & 4 Eliz. 2. c. 18. |
| Air Force Act, 1955 ... ... ... ... | 3 & 4 Eliz. 2. c. 19. |
| Police (Scotland) Act, 1956 ... ... ... | 4 & 5 Eliz. 2. c. 26. |
| Road Traffic Act, 1956 ... ... ... ... | 4 & 5 Eliz. 2. c. 67. |
| National Health Service (Amendment) Act, 1957 ... ... ... ... ... ... | 5 & 6 Eliz. 2. c. 44. |
| Road Transport Lighting Act, 1957 ... ... | 5 & 6 Eliz. 2. c. 51. |
| Insurance Companies Act, 1958 ... ... | 6 & 7 Eliz. 2. c. 72. |
| Highways Act, 1959 ... ... ... ... | 7 & 8 Eliz. 2. c. 25. |

## CHAPTER 17

An Act to authorise further advances to the National Coal Board for capital purposes. [22nd March, 1960]

BE 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:—

Extension of power to make advances to the National Coal Board. 4 & 5 Eliz. 2. c. 61.

**1.**—(1) Section one of the Coal Industry Act, 1956 (which limits to six hundred and fifty million pounds the aggregate amount outstanding by way of principal in respect of advances made by the Minister of Power to the National Coal Board before the second day of August, nineteen hundred and sixty-one, and to seventy-five million pounds, or a greater sum specified by order of the Minister, the excess of the aggregate amount so outstanding in any financial year over the highest aggregate amount so outstanding in the immediately preceding financial year) is hereby