STATUTORY INSTRUMENTS

1961 No. 1210

HIGHWAYS, ENGLAND AND WALES

The Special Roads (Classes of Traffic) Order, 1961

Made - - - -	15*th May*, 1961
Coming into Operation	30*th June*, 1961

The Minister of Transport, in exercise of his powers under subsection (3) of section 12 of the Highways Act, 1959(a), and of all other powers him enabling in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Special Roads (Classes of Traffic) Order, 1961, and shall come into operation on the thirtieth day of June, 1961.

(2) The Interpretation Act, 1889(b), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act this Order were an Act of Parliament and the Order revoked by Article 2 of this Order were an Act of Parliament thereby repealed.

2. The Special Roads (Classes of Traffic) Order, 1959(c) is hereby revoked.

3. The Fourth Schedule to the Highways Act, 1959, shall be amended so as to have effect as set out in the Schedule to this Order.

4. In schemes under section eleven of the Highways Act, 1959, made before the date on which this Order comes into operation references to traffic in Class VII set out in the Fourth Schedule to the said Act of 1959 shall be construed as including references to traffic in Classes X and XI created by this Order.

Given under the Official Seal of the Minister of Transport this fifteenth day of May, 1961.

(L.S.)

Ernest Marples,
The Minister of Transport.

SCHEDULE

CLASSES OF TRAFFIC FOR PURPOSES OF SPECIAL ROADS

Class I: Motor tractors, heavy motor cars, motor cars and motor cycles whereof the cylinder capacity of the engine is not less than 50 cubic centimetres, and trailers drawn thereby, which comply with general regulations as to construction and use made under section sixty-four of the Road Traffic

(a) 7 & 8 Eliz. 2. c. 25. (b) 52 & 53 Vict. c. 63. (c) S.I. 1959/1280 (1959 II, p. 2514).

Act, 1960(a), and in the case of which the following conditions are satisfied, that is to say:—

(i) that the whole weight of the vehicle is transmitted to the road surface by means of wheels;

(ii) that all wheels of the vehicle are equipped with pneumatic tyres;

(iii) that the vehicle is not controlled by a pedestrian;

(iv) that the maximum speed at which the vehicle may be driven under section twenty-four of the Road Traffic Act, 1960, on roads which are not special roads is not less than twenty miles per hour; and

(v) that the vehicle is not a vehicle chargeable with duty under paragraph (*a*) of subsection (2) of section four of the Vehicles (Excise) Act, 1949(b), as amended by subsection (2) of section thirteen of the Finance Act, 1950(c).

Class II: Motor vehicles and trailers the use of which for or in connection with the conveyance of abnormal indivisible loads is authorised by order made by the Minister of Transport under subsection (4) of section sixty-four of the Road Traffic Act, 1960.

Heavy and light locomotives when being used for or in connection with the conveyance of abnormal indivisible loads.

Motor vehicles and trailers constructed for naval, military, air force or other defence purposes, the use of which is authorised by order made by the Minister of Transport under subsection (4) of section sixty-four of the Road Traffic Act, 1960.

Class III: Motor vehicles controlled by pedestrians.

Class IV: All motor vehicles (other than invalid carriages and motor cycles whereof the cylinder capacity of the engine is less than 50 cubic centimetres) not comprised in Class I, Class II or Class III.

Class V: Vehicles drawn by animals.

Class VI: Vehicles (other than pedal cycles, perambulators, push-chairs and other forms of baby carriages) drawn or propelled by pedestrians.

Class VII: Pedal cycles.

Class VIII: Animals ridden, led or driven.

Class IX: Pedestrians, perambulators, push-chairs and other forms of baby carriages and dogs held on a lead.

Class X: Motor cycles whereof the cylinder capacity of the engine is less than 50 cubic centimetres.

Class XI: Invalid carriages.

In this Schedule any expression defined for the purposes of the Road Traffic Act, 1960, has the same meaning as in that Act and the expression "abnormal indivisible load" has the same meaning as in the Transport Act, 1947(d).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Fourth Schedule to the Highways Act, 1959, (which re-enacted the Second Schedule to the Special Roads Act, 1949) specifies classes of traffic for the purposes of special roads. The composition of traffic specified as Class I in the Second Schedule to the said Act of 1949 was varied by the Special Roads (Classes of Traffic) Order, 1959 (S.I. 1959/1280) which provided for the exclusion from that Class of motor cycles with a cylinder capacity of 50 c.c. (commonly called "mopeds") and vehicular agricultural machinery.

(a) 8 & 9 Eliz. 2. c. 16. (b) 12, 13 & 14 Geo. 6. c. 89.
(c) 14 Geo. 6. c. 15. (d) 10 & 11 Geo. 6. c. 49.

This Order (which will come into operation on the 30th June, 1961) revokes the Order of 1959 and provides for the same variation in the composition of Class I specified in the Fourth Schedule to the Highways Act, 1959 as was made by the said Order of 1959 in relation to the composition of Class I in the Second Schedule to the Act of 1949. In addition, the Order varies the composition of Class IV in the said Fourth Schedule by excluding therefrom invalid carriages and "mopeds", of Class VI by excluding therefrom perambulators, of Class IX by adding thereto perambulators, push-chairs and other forms of baby carriages and dogs held on a lead; and by adding to the said Schedule two new Classes, numbered X and XI, which respectively comprise "mopeds" and invalid carriages.

As required by section 285 (3) of the Highways Act, 1959, this Order was approved by a resolution of the House of Commons on 22nd June, 1961, and a resolution of the House of Lords on 26th June, 1961.