

## SCHEDULES

### SCHEDULE 5

Section 74.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Road Traffic Regulation Act 1967 (c. 76)*

- 1 In section 85 of the 1967 Act (duty to give information as to identity of driver etc. in certain cases), in subsection (1) for the words " 77(7) and 80(8)" there shall be substituted the words " and 77(7) ".
- 2 In section 88 of the 1967 Act (penalty for aiding, abetting etc. commission of offences in Scotland), for the words " 43(2) or (3) or 80(8) " there shall be substituted the words " or 43(2) or (3) ".
- 3 In section 93 of the 1967 Act (inclusion in indictment in Scotland of certain summary offences), in subsection (2) for the words " 43(2) and (3) and 80(8)" there shall be substituted the words " and 43(2) and (3) ".
- 4 In section 95 of the 1967 Act (general power to hold inquiries), for the words " sections 80 and 81 " there shall be substituted the words " section 81 ".

##### *Transport Act 1968 (c. 73)*

- 5 (1) The powers of the National Bus Company under section 48(2) of the Transport Act 1968 shall include power to make premises held by them available for the exercise by authorised inspectors within the meaning of Part II of this Act of their functions ; and, accordingly, that power shall be treated for the purposes of section 52 of the Transport Act 1968 as conferred by section 48(2).
- (2) Paragraph (1) above shall apply in relation to the Scottish Transport Group as it applies in relation to the National Bus Company.
- 6 The provisions of the Transport Act 1968 requiring transport managers for operating centres for authorised vehicles under goods vehicle operators' licences (which have not been brought into operation and have since their enactment been largely superseded by other provisions) are hereby repealed ; and accordingly, in section 85(2) of that Act, for the words " Schedules 9 and 10 " there shall be substituted the words " Schedule 10 ".

##### *Road Traffic Act 1972 (c. 20)*

- 7 In section 33(2) of the 1972 Act (offence of selling crash helmet not of type prescribed under section 33), for the words from " neither " to " authorisation" there shall be substituted the words " not of a type prescribed under this section ".
- 8 In section 43(6) of the 1972 Act (regulations as to tests of vehicles not subject to goods vehicle tests)—
  - (a) after paragraph (a) there shall be inserted the following paragraph—

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- “(aa) the imposition of restrictions with respect to the vehicles to be examined by inspectors appointed by any designated council;” and
- (b) in paragraph (c), after the word " application ", in the second place where it occurs, there shall be inserted the word " examination " .
- 9 In section 45(6) of the 1972 Act (regulations as to examinations for plating and periodical tests of satisfactory condition of certain goods vehicles), in paragraph (h), after the word "application" there shall be inserted the word " examination " .
- 10 In section 50(1) of the 1972 Act (regulations for purposes of type approval requirements)—
- (a) at the end of paragraph (a) there shall be inserted the words " or designated under section 10(12) of the Transport Act 1982 ; " ; and
- (b) in paragraph (b), after the words " authorise the " there shall be inserted the word " cancellation " .
- 11 (1) In section 82 of the 1972 Act (Interpretation of Part II), at the end of the definition of " official testing station " there shall be added the words " or premises designated by him under section 10(12) of the Transport Act 1982 " .
- (2) The following definition shall be inserted in that section immediately after the definition of " prescribed " —
- ““ prescribed testing authority " means such approved testing authority as may be prescribed ;” .
- (3) The following subsection shall be added at the end of that section as subsection (2)—
- “(2) References in any provision of this Part of this Act to an authorised inspector are references to a person authorised by the Secretary of State under section 8 of the Transport Act 1982 to exercise the function to which that provision relates.” .
- 12 In section 83(5) of the 1972 Act (sums to be paid into Consolidated Fund), for " 58(5A)" there shall be substituted " 58 " .
- 13 (1) In section 93(4) of the 1972 Act (extended period of disqualification in case of certain previous convictions), for " 6(1)" there shall be substituted " 6(1)(a) " .
- (2) For the purposes of section 93(4), as amended by paragraph 3 of Schedule 9 to the Transport Act 1981 and by sub-paragraph (1) above to refer to sections 6(1)(a) and 8(7) of the 1972 Act (which are among the new provisions substituted by the Transport Act 1981 for sections 6 to 12 of the 1972 Act), a previous conviction of an offence under the corresponding provision of the old law shall be treated as a conviction of an offence under the new provision.
- (3) In the case of section 6(1)(a) of the 1972 Act, as substituted by the Transport Act 1981, the corresponding provision of the old law for the purposes of sub-paragraph (2) above is section 6(1) of the 1972 Act, as it had effect immediately before that substitution.
- (4) In the case of section 8(7) of the 1972 Act, as so substituted, the corresponding provision of the old law for those purposes is section 9(3) of the 1972 Act, as it so had effect.
- 14 In section 182(1) of the 1972 Act (admissibility of records as evidence)—

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- (a) after the word " vehicles " there shall be inserted the words " or of any records maintained with respect to vehicles by an approved testing authority in connection with the exercise by that authority of any functions conferred on such authorities, or on that authority as such an authority, by or under any enactment " ; and
  - (b) after the words " the Secretary of State " (in the last place where they occur) there shall be inserted the words " or (as the case may be) by the approved testing authority " .
- 15 In section 188(4) of the 1972 Act (restriction on application of sections 45 to 51 and 62 to vehicles in public service of the Crown)—
  - (a) for " 51 " there shall be substituted " 51A " ; and
  - (b) at the end of paragraph (a) there shall be inserted the words " or of authorised inspectors under section 8 of the Transport Act 1982 ; " .
- 16 In section 196(1) of the 1972 Act (general interpretation provisions), the following definition shall be inserted immediately before the definition of " bridleway " —

“" approved testing authority " means a person authorised by the Secretary of State under section 8 of the Transport Act 1982 to carry on a vehicle testing business within the meaning of Part II of that Act;”.

*Road Traffic (Foreign Vehicles) Act 1972 (c. 27)*

- 17 (1) In section 2(3B) of the Road Traffic (Foreign Vehicles) Act 1972 (fees for inspection of vehicles brought to official testing station with a view to removal of prohibition), for " 58(5A) " there shall be substituted " 58(6)(c) and (7) " .
- (2) In section 7 of that Act (interpretation)—
  - (a) in subsection (1), at the end of the definition of " official testing station " there shall be added the words " or premises designated by him under section 10(12) of the Transport Act 1982 " ; and
  - (b) at the end of that subsection there shall be added the following subsection—

“(1A) References in any provision of this Act to an authorised inspector are references to a person authorised by the Secretary of State under section 8 of the Transport Act 1982 to exercise the function to which that provision relates.”.

*Road Traffic Act 1974 (c. 50)*

- 18 In section 5 of the Road Traffic Act 1974 (supplementary provisions)—
  - (a) in subsections (1) and (2), for the words " 1 to 4 " there shall be substituted the words " 2 to 4 " ;
  - (b) in subsection (1), in paragraph (b) of the definition of " driver " , for the word " was " there shall be substituted the words " is alleged to have been " ;
  - (c) in subsection (3), for the words from " in whose name " to the end there shall be substituted the words " who was the registered keeper of the vehicle at that time. " ;
  - (d) in subsection (4), for the words "in whose name a vehicle was so registered" there shall be substituted the words " who was the registered keeper of a vehicle " ;
  - (e) in subsection (6)—

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- (i) after the words " is to be served " there shall be inserted the word " (a) "; and
- (ii) for the words " and in any other case " there shall be substituted the words

“or the registered address of the person who is the registered keeper of the vehicle concerned at the time of service ; and

(b) in any other case.”; and

- (f) after subsection (6) there shall be inserted the following subsections—

“(7) References in this section to the person who was or is the registered keeper of a vehicle at any time are references to the person in whose name the vehicle was or is at the time registered under the Vehicles (Excise) Act 1971 ; and, in relation to any such person, the reference in subsection (6)(a) above to that person's registered address is a reference to the address recorded in the record kept under that Act with respect to that vehicle as being that person's address.

(8) For the purposes of sections 1(2) and 2(1) of the Magistrates' Courts Act 1980 (power to issue summons or warrant and jurisdiction to try offences), any offence under section 1(7) or 2(7) above shall be treated as committed at any address which at the time of service of the notice under section 1(6) or 2(6) above to which the offence relates was the accused's proper address (in accordance with subsection (6) above) for service of any such notice, as well as at the address to which any statutory statement furnished in response to that notice is required to be returned in accordance with the notice.”.

19 In Schedule 1 to the Road Traffic Act 1974 (statutory statements)—

- (a) in paragraphs 1, 2(1) and 3, for the words "1 to 4 " there shall be substituted the words " 2 to 4 "; and
- (b) in paragraph 3, for the words from " either " to the end there shall be substituted the following paragraphs—

“(a) states that the person furnishing it was not the driver of the vehicle at the relevant time;

(b) states the name and address at the time when the statement is furnished of the person who was the driver of the vehicle at the relevant time ; and

(c) is signed both by the person furnishing it and by the person stated to be the driver of the vehicle at the relevant time.”.

*House of Commons Disqualification Act 1975 (c. 24)*

20 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 the following entry shall be inserted in the appropriate place—

“Director of any company eligible for loans under section 13 of the Transport Act 1982 (loans to Government-controlled company interested in former Government testing stations).”.

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*Public Passenger Vehicles Act 1981 (c. 14)*

- 21 In section 9 of the Public Passenger Vehicles Act 1981 (power to prohibit driving of unfit public service vehicles)—
- (a) in subsection (5), for the words from " the driver " to " public " there shall be substituted the words " any person "; and
  - (b) the following subsection shall be added at the end—

“(10) Any removal of a prohibition under subsection (1) above shall be made by notice in writing.”.
- 22 In section 52(1)(a) of that Act (fees for grant of licence), for sub-paragraph (ii) there shall be substituted the following sub-paragraph—

“(ii) applications for certificates of initial fitness under section 6 of this Act which are required by regulations to be made to the commissioners and the issue of certificates on such applications ;”.
- 23 In section 82 of that Act (general interpretation provisions)—
- (a) in subsection (1), after the definition of " prescribed " there shall be inserted the following definition—

“" prescribed testing authority " means such person authorised by the Secretary of State under section 8 of the Transport Act 1982 to carry on a vehicle testing business within the meaning of Part II of that Act as may be prescribed”; and
  - (b) the following subsection shall be inserted after subsection (1)

“(1A) References in any provision of this Act to an authorised inspector are references to an authorised inspector under section 8 of the Transport Act 1982 and, where the function to which that provision relates is one of those specified in section 9 of that Act (testing and surveillance functions), are limited to an authorised inspector authorised under section 8 to exercise that function.”.
- 24 The power conferred by section 87 of that Act to repeal section 10 of that Act and certain connected provisions by order includes power to make such other amendments in that Act and such amendments in this Act as are required in consequence of the repeal.

*Transport Act 1981 (c. 56)*

- 25 In section 30(2) of the Transport Act 1981 (construction of sections 19 to 21) the following words shall be added at the end " and (without prejudice to the effect of the preceding provision) those sections shall apply to vehicles and persons in the public service of the Crown ".
- 26 During any period when Schedule 7 to the Transport Act 1981 (penalty points for offences) is in force but Schedule 8 to that Act (new provisions substituted for sections 6 to 12 of the 1972 Act) is not, Schedule 7 shall have effect as if for the references in column 1 of Part II of that Schedule to sections 6(1)(b), 7(4) and 8(7) of the 1972 Act (which refer to the new provisions mentioned above) there were substituted references respectively to sections 6(2), 8(3) and 9(3) of the 1972 Act (which are the provisions in that Act as it has effect apart from Schedule 8 to the Transport Act 1981 that correspond to the new provisions mentioned above).