



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *Application to the Crown*

#### **183 Application to the Crown.**

- (1) Subject to the provisions of this section—
  - (a) Part I of this Act,
  - (b) Part II of this Act, except sections 68 to 74 and 77,
  - (c) Part III of this Act, except section 103(3),
  - (d) Part IV of this Act, and
  - (e) in this Part, sections 163, 164, 168, 169, 170(1) to (4), 177, 178, 181 and 182, apply to vehicles and persons in the public service of the Crown.
- (2) Sections 49 to 63 and 65 of this Act apply—
  - (a) to vehicles in the public service of the Crown only if they are registered or liable to be registered under [<sup>F1</sup>the Vehicle Excise and Registration Act 1994], and
  - (b) to trailers in the public service of the Crown only while drawn by vehicles (whether or not in the public service of the Crown) which are required to be so registered.
- (3) Where those sections so apply they do so subject to the following modifications—
  - (a) examinations of such vehicles in pursuance of regulations under section 49 or 61(2)(a) of this Act may be made by or under the directions of examiners authorised by the Secretary of State for the purpose instead of by or under the directions of examiners appointed under section [<sup>F2</sup>66A of this Act], <sup>F3</sup> . . .
  - <sup>F3</sup>(b) . . . . .

*Status: Point in time view as at 01/09/1994.*

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- (4) Neither section 97(3) nor section 98(3) of this Act, in so far as they prevent such a licence as is there mentioned from authorising a person to drive certain motor cycles, applies—
- (a) in the case of motor cycles owned by the Secretary of State for Defence and used for naval, military or air force purposes, or
  - (b) in the case of motor cycles so used while being ridden by persons for the time being subject to the orders of a member of the armed forces of the Crown.
- (5) Subject to regulations made under subsection (2) of section 101 of this Act, that section (in so far as it prohibits persons under 21 from holding or obtaining a licence to drive motor vehicles or persons under 18 from holding or obtaining a licence to drive medium-sized goods vehicles) does not apply—
- (a) in the case of motor vehicles owned by the Secretary of State for Defence and used for naval, military or air force purposes, or
  - (b) 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.
- [<sup>F4</sup>(6) The functions under Part IV of this Act of traffic commissioners in relation to licences issued to persons subject to the <sup>M1</sup>Naval Discipline Act 1957, to military law or to air force law to drive large goods vehicles or passenger-carrying vehicles in the public service of the Crown shall be exercised by the prescribed authority.]
- (7) Section 165 of this Act, in so far as it provides for the production of test certificates and the giving of names and addresses, applies to a person in connection with a vehicle to which section 47 of this Act applies notwithstanding that he or the driver is or was at any material time in the public service of the Crown.
- (8) Subsection (1) of section 165 of this Act, in so far as it provides for the production of any certificate mentioned in subsection (2)(c) of that section, applies to a person in connection with a goods vehicle so mentioned notwithstanding that he or the driver is or was at any material time in the public service of the Crown.

#### Textual Amendments

- F1** Words in s. 183(2)(a) substituted (1.9.1994) by 1994 c. 22 ss. 63, 66(1), Sch. 3 para. 24(1) (with s. 57(4))
- F2** Words in s. 183(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, **Sch. 4 para. 77**; S.I. 1992/1286, art. 2, **Sch.**
- F3** S. 183(3)(b) and the word "and" preceding it repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**
- F4** S. 183(6) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 23**

#### Marginal Citations

- M1** 1957 c. 53

## 184 Application of sections 5 to 10 to persons subject to service discipline.

- (1) Sections 5 to 10 of this Act, in their application to persons subject to service discipline, apply outside as well as within Great Britain and have effect as if—
- (a) references to proceedings for an offence under any enactment included references to proceedings for the corresponding service offence,

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- (b) references to the court included a reference to any naval, military or air force authority before whom the proceedings take place,
  - (c) references to a constable included references to a member of the provost staff,
  - (d) references to a police station included references to a naval, military or air force unit or establishment,
  - (e) references to a hospital included references to a naval, military or air force unit or establishment at which medical or surgical treatment is provided for persons subject to service discipline, and
  - (f) in section 6(1) the reference to a traffic offence included a reference to the corresponding service offence.
- (2) In relation to persons for the time being subject to service discipline, the power to arrest conferred on a constable by section 4(6) of this Act is also exercisable by a member of the provost staff and is so exercisable outside as well as within Great Britain.

(3) In this section—

“corresponding service offence”, in relation to an offence under any enactment, means an offence under section 42 of the <sup>M2</sup>Naval Discipline Act 1957 or an offence against section 70 of the <sup>M3</sup>Army Act 1955 or section 70 of the <sup>M4</sup>Air Force Act 1955 committed by an act or omission which is punishable under that enactment or would be so punishable if committed in Great Britain,

“member of the provost staff” means a provost officer or any person legally exercising authority under or on behalf of a provost officer,

“persons subject to service discipline” means persons subject to that Act of 1957, to military law or to air force law and other persons to whom section 42 of that Act of 1957 or section 70 of either of those Acts of 1955 for the time being applies,

“provost officer” means a person who is a provost officer within the meaning of that Act of 1957 or either of those Acts of 1955.

#### Marginal Citations

**M2** 1957 c. 53.

**M3** 1955 c. 18.

**M4** 1955 c. 19.

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