



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART VII **E+W+S**

#### MISCELLANEOUS AND GENERAL

##### *Interpretation*

#### 185 **Meaning of “motor vehicle” and other expressions relating to vehicles.** **E+W** **+S**

(1) In this Act—

“heavy locomotive” means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the excepted articles and the weight of which unladen exceeds 11690 kilograms,

“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 2540 kilograms,

“invalid carriage” means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms 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,

“light locomotive” means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the excepted articles and the weight of which unladen does not exceed 11690 kilograms but does exceed 7370 kilograms,

“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 Secretary of State, does not exceed 3050 kilograms,

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- (b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms, or 3500 kilograms if the vehicle carries a container or containers for holding for the purposes of its propulsion any fuel which is wholly gaseous at 17.5 degrees Celsius under a pressure of 1.013 bar or plant and materials for producing such fuel,
- (c) does not exceed 2540 kilograms in a case not falling within sub-paragraph (a) or (b) above,

“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 410 kilograms,

“motor tractor” means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the excepted articles, and the weight of which unladen does not exceed 7370 kilograms,

“motor vehicle” means, subject to section 20 of the <sup>M1</sup>Chronically Sick and Disabled Persons Act 1970 (which makes special provision about invalid carriages, within the meaning of that Act), a mechanically propelled vehicle intended or adapted for use on roads, and

“trailer” means a vehicle drawn by a motor vehicle.

- (2) In subsection (1) above “excepted articles” means any of the following: water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment.

**Modifications etc. (not altering text)**

**C1** Ss. 185, 186 applied by [Road Traffic Offenders Act 1988 \(c. 53, SIF 107:1\)](#), s. 98(2)

**Marginal Citations**

**M1** 1970 c. 44.

**186 Supplementary provisions about those expressions.** E+W+S

- (1) For the purposes of section 185 of this Act, a side car attached to a motor vehicle, if it complies with such conditions as may be specified in regulations made by the Secretary of State, is to be regarded as forming part of the vehicle to which it is attached and as not being a trailer.
- (2) For the purposes of section 185 of this Act, in a case where a motor vehicle is so constructed that a trailer may by partial super-imposition 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 is to be deemed to be a vehicle itself constructed to carry a load.
- (3) For the purposes of section 185 of this Act, 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 is not to be deemed to constitute a load or goods or burden of any description, but is to be deemed to form part of the vehicle.
- (4) The Secretary of State may by regulations vary any of the maximum or minimum weights specified in section 185 of this Act.

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- (5) Regulations under subsection (4) above may have effect—
- (a) either generally or in the case of vehicles of any class specified in the regulations, and
  - (b) either for the purposes of the provisions of the Road Traffic Acts and of all regulations made under those provisions or for such of those purposes as may be so specified.
- (6) Nothing in section 86 of the <sup>M2</sup>Road Traffic Regulation Act 1984 limits the powers conferred by subsection (4) above.

**Modifications etc. (not altering text)**

**C2** Ss. 185, 186 applied by [Road Traffic Offenders Act 1988 \(c. 53, SIF 107:1\)](#), s. 98(2)

**Marginal Citations**

**M2** 1984 c. 27.

**187 Articulated vehicles.** **E+W+S**

- (1) Unless it falls within subsection (2) below, a vehicle so constructed that it can be divided into two parts both of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of the enactments mentioned in subsection (3) below as that motor vehicle with the other part attached as a trailer.
- (2) A passenger vehicle so constructed that—
- (a) it can be divided into two parts, both of which are vehicles and one of which is a motor vehicle, but cannot be so divided without the use of facilities normally available only at a workshop, and
  - (b) passengers carried by it when not so divided can at all times pass from either part to the other,
- shall (when not so divided) be treated for the purposes of the enactments mentioned in subsection (3) below as a single motor vehicle.
- (3) The enactments referred to in subsections (1) and (2) above are the <sup>M3</sup>Road Traffic Act 1960, Parts I and II of the <sup>M4</sup>Public Passenger Vehicles Act 1981, and the Traffic Acts.
- (4) In this section “passenger vehicle” means a vehicle constructed or adapted for use solely or principally for the carriage of passengers.

**Marginal Citations**

**M3** 1960 c. 16.

**M4** 1981 c. 14.

**188 Hover vehicles.** **E+W+S**

- (1) For the purposes of the Road Traffic Acts, a hovercraft within the meaning of the <sup>M5</sup>Hovercraft Act 1968 (in this section referred to as a hover vehicle)—
- (a) is a motor vehicle, whether or not it is intended or adapted for use on roads, but

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- (b) apart from that is to be treated, subject to subsection (2) below, as not being a vehicle of any of the classes defined in section 185 of this Act.
- (2) The Secretary of State may by regulations provide—
- (a) that any provisions of this Act which would otherwise apply to hover vehicles shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations, or
  - (b) that any such provision which would not otherwise apply to hover vehicles shall apply to them subject to such modifications (if any) as may be specified in the regulations.

#### Marginal Citations

M5 1968 c. 59.

### 189 Certain vehicles not to be treated as motor vehicles. **E+W+S**

- (1) For the purposes of the Road Traffic Acts—
- (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,
  - (b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Secretary of State for the purposes of this section and section 140 of the <sup>M6</sup>Road Traffic Regulation Act 1984, and
  - (c) an electrically assisted pedal cycle of such a class as may be prescribed by regulations so made,
- is to be treated as not being a motor vehicle.
- (2) In subsection (1) above “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.

#### Modifications etc. (not altering text)

C3 S. 189 applied (12.11.2009) by Access to Justice Act 1999 (c. 22), Sch. 3A para. 8 (as inserted by Coroners and Justice Act 2009 (c. 25), ss. 152, 182(1)(g), Sch. 18 (with s. 180))

#### Marginal Citations

M6 1984 c. 27.

### 190 Method of calculating weight of motor vehicles and trailers. **E+W+S**

- (1) This section applies for the purposes of the Traffic Acts and of any other enactments relating to the use of motor vehicles or trailers on roads.
- (2) The weight unladen of a vehicle or trailer shall be taken to be the weight of the vehicle or trailer—

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- (a) 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 or trailer when working on a road, but
- (b) exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle or, as the case may be, of any vehicle by which the trailer is drawn, and of loose tools and loose equipment.

**Modifications etc. (not altering text)**

C4 S. 190 restricted (1.7.1992) by S.I. 1992/1217, reg.7 (with reg. 11).

**191 Interpretation of statutory references to carriages. E+W+S**

A motor vehicle or trailer—

- (a) is to 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
- (b) 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.

**Modifications etc. (not altering text)**

C5 S. 191 restricted (1.7.1992) by S.I. 1992/1217, reg.7 (with reg. 11).

**192 General interpretation of Act. E+W+S**

(1) In this Act—

[<sup>F1</sup>“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]

“bridleway” means a way over which the public have the following, but no other, rights of way: 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,

“carriage of goods” includes the haulage of goods,

“cycle” means a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor vehicle,

“driver”, where a separate person acts as a steersman of a motor vehicle, includes (except for the purposes of section 1 of this Act) that person as well as any other person engaged in the driving of the vehicle, and “drive” is to be interpreted accordingly,

“footpath”, in relation to England and Wales, means a way over which the public have a right of way on foot only,

“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,

“highway authority”, in relation to England and Wales, means—

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- (a) in relation to a road other than a trunk road, the authority (being either the council of a county, metropolitan district or London borough or the Common Council of the City of London) which is responsible for the maintenance of the road, and
- (b) in relation to a trunk road, the Secretary of State,

“international road haulage permit” means a licence, permit, authorisation or other document issued in pursuance of a Community instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road,

“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,

“petty sessions area” has the same meaning as in the <sup>M7</sup>Magistrates’ Courts Act 1980,

“prescribed” means prescribed by regulations made by the Secretary of State,

“road”, in relation to England and Wales, means any highway and any other road to which the public has access, and includes bridges over which a road passes,

“the Road Traffic Acts” means the <sup>M8</sup>Road Traffic Offenders Act 1988, the <sup>M9</sup>Road Traffic (Consequential Provisions) Act 1988 (so far as it reproduces the effect of provisions repealed by that Act) and this Act,

“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),

“the Traffic Acts” means the Road Traffic Acts and the <sup>M10</sup>Road Traffic Regulation Act 1984,

“traffic sign” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984,

“tramcar” includes any carriage used on any road by virtue of an order under the <sup>M11</sup>Light Railways Act 1896, and

“trolley vehicle” means a mechanically propelled vehicle adapted for use on roads without rails and moved by power transmitted to it from some external source.

(2) In this Act—

“carriageway”

“footway”

“local roads authority”

“public road”

“road”

“roads authority”

“special road” and

“trunk road”,

in relation to Scotland, have the same meanings as in the <sup>M12</sup>Roads (Scotland) Act 1984, and “footpath”, in relation to Scotland, means a way over which the public have a right of way on foot only (whether or not associated with a carriageway).

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- (3) References in this Act to a class of vehicles are to be interpreted as references to a class defined or described by reference to any characteristics of the vehicles or to any other circumstances whatsoever [<sup>F2</sup>and accordingly as authorising the use of “category” to indicate a class of vehicles, however defined or described].

#### Textual Amendments

- F1** Definition inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(a), **Sch. 2 Pt. I para. 19**
- F2** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 24**

#### Marginal Citations

- M7** 1980 c. 43.  
**M8** 1988 c. 53.  
**M9** 1988 c. 54.  
**M10** 1984 c. 27.  
**M11** 1896 c. 48.  
**M12** 1984 c. 54.

VALID FROM 07/12/1992

#### [<sup>F3</sup>192A Tramcars and other guided vehicles: drink and drugs. **E+W+S**

- (1) Sections 4 to 11 of this Act shall not apply (to the extent that apart from this subsection they would) to vehicles on any transport system to which Chapter I of Part II of the Transport and Works Act 1992 (offences involving drink or drugs on railways, tramways and certain other guided transport systems) applies.
- (2) Subject to subsection (1) above, the Secretary of State may by regulations provide that sections 4 to 11 of this Act shall apply to vehicles on a system of guided transport specified in the regulations with such modifications as he considers necessary or expedient.
- (3) Regulations under subsection (2) above may make different provision for different cases.
- (4) In this section—  
“guided transport” means transport by vehicles guided by means external to the vehicles (whether or not the vehicles are also capable of being operated in some other way), and  
“vehicle” includes mobile traction unit.]

#### Textual Amendments

- F3** S. 192A inserted (7.12.1992) by Transport and Works Act 1992 (c. 42), s. 39; S.I. 1992/2043, art. 2(a)

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### 193 Exemptions for tramcars, trolley vehicles, railway locomotives, carriages and trucks. **E+W+S**

Schedule 4 to this Act (which excludes the application of certain provisions of the Road Traffic Acts to tramcars, trolley vehicles, railway locomotives, carriages and trucks) shall have effect.

VALID FROM 01/07/1992

#### [<sup>F4</sup>193A Tramcars and trolley vehicles. **E+W+S**

- (1) The Secretary of State may by regulations provide that such of the provisions mentioned in subsection (2) below as are specified in the regulations shall not apply, or shall apply with modifications—
  - (a) to all tramcars or to tramcars of any specified class, or
  - (b) to all trolley vehicles or to trolley vehicles of any specified class.
- (2) The provisions referred to in subsection (1) above are the provisions of—
  - (a) sections 12, 40A to 42, 47, 48, 66, 68 to 73, 75 to 79, 83, 87 to 109, 143 to 165, 168, 170, 171, 178, 190 and 191 of this Act, and
  - (b) sections 1, 2, 7, 8, 22, 25 to 29, 31, 32, 34 to 48, 96 and 97 of the Road Traffic Offenders Act 1988 (provisions requiring warning of prosecution etc and provisions connected with the licensing of drivers).
- (3) Regulations under this section—
  - (a) may make different provision for different cases,
  - (b) may include such transitional provisions as appear to the Secretary of State to be necessary or expedient, and
  - (c) may make such amendments to any special Act as appear to the Secretary of State to be necessary or expedient in consequence of the regulations or in consequence of the application to any tramcars or trolley vehicles of any of the provisions mentioned in subsection (2) above.
- (4) In this section “special Act” means a local Act of Parliament passed before the commencement of this section which authorises or regulates the use of tramcars or trolley vehicles.]

#### Textual Amendments

- F4** S. 193A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 46(2); S.I. 1992/1286, art. 2, Sch.

### 194 General index. **E+W+S**

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Act listed in the right-hand column in relation to those expressions.

*Expression*

*Relevant provision*



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Bridleway	Section 192
Carriage of goods	Section 192
Carriageway	Section 192
Cycle	Section 192
Drive	Section 192
Driver	Section 192
Footpath	Section 192
Footway	Section 192
Goods	Section 192
Goods vehicle	Section 192
Goods vehicle test certificate	Section 49(2)(b)
Heavy locomotive	Section 185
Heavy motor car	Section 185
Highway authority	Section 192
International road haulage permit	Section 192
Invalid carriage	Section 185
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Local roads authority	Section 192
Motor car	Section 185
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Motor vehicle	Sections 185, 186(1), 187, 188, 189
Owner	Section 192
Plating certificate	Section 49(2)(a)
Prescribed	Section 192
Public road	Section 192
Road	Section 192
Roads authority	Section 192
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Special road	Section 192
Statutory	Section 192
Test certificate	Section 45(2)
Traffic Acts	Section 192
Traffic sign	Section 192
Trailer	Section 185

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Tramcar	Section 192
Trolley vehicle	Section 192
Trunk road	Section 192
Unladen weight	Section 190

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