



Road Traffic (Consequential Provisions) Act 1988

1988 CHAPTER 54

1 Meaning of “the Road Traffic Acts”, “the repealed enactments”, etc

(1) In this Act—

“the Road Traffic Acts” means the Road Traffic Act 1988, the [Road Traffic Offenders Act 1988 c. 53](#) and, so far as it reproduces the effect of the repealed enactments, this Act, and

“the repealed enactments” means the enactments repealed or revoked by this Act.

(2) Expressions used in this Act and in the Road Traffic Act 1988 have the same meaning as in that Act.

2 Continuity, and construction of references to old and new law

(1) The substitution of the Road Traffic Acts for the repealed enactments does not affect the continuity of the law.

(2) Anything done or having effect as if done under or for the purposes of a provision of the repealed enactments has effect, if it could have been done under or for the purposes of the corresponding provision of the Road Traffic Acts, as if done under or for the purposes of that corresponding provision.

(3) Any reference, whether express or implied, in the Road Traffic Acts or any other enactment, instrument or document to a provision of the Road Traffic Acts is to be read, in relation to the times, circumstances or purposes in relation to which the corresponding provision of the repealed enactments had effect and so far as the nature of the reference permits, as including a reference to that corresponding provision.

(4) Any reference, whether express or implied, in any enactment, instrument or document to a provision of the repealed enactments is to be read, in relation to the times, circumstances or purposes in relation to which the corresponding provision of the

Road Traffic Acts has effect and so far as the nature of the reference permits, as including a reference to that corresponding provision.

3 Repeals

- (1) The enactments specified in Part I of Schedule 1 to this Act are repealed to the extent specified in the third column.
- (2) Those repeals include the repeal, in accordance with Recommendations of the Law Commission and the Scottish Law Commission, of section 34 of the Road Traffic Act 1972 (requirements as to employment of persons to attend to locomotives and trailers) as no longer of practical utility.
- (3) The subordinate legislation specified in Part II of that Schedule is revoked to the extent specified in the third column.

4 Prospective and consequential amendments

Schedule 2 to this Act (which re-enacts or makes consequential amendments of provisions which made prospective amendments of the repealed and other enactments, so that the re-enacted or amended provisions prospectively amend the Road Traffic Acts and other enactments) and Schedule 3 to this Act (which makes other consequential amendments) shall have effect.

5 Transitional provisions and savings

- (1) Schedule 4 to this Act (which makes certain transitional provisions and contains savings in connection with the repeals made by this Act) shall have effect.
- (2) Nothing in that Schedule affects the general operation of section 16 of the Interpretation Act 1978 (general savings implied on a repeal).

6 Transitory modifications

Schedule 5 to this Act (which makes transitory modifications of the Road Traffic Act 1988) shall have effect.

7 Saving for law of nuisance

Nothing in the Road Traffic Acts authorises 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 affects the liability, whether under statute or common law, of the driver or owner so using such a vehicle.

8 Short title, commencement and extent

- (1) This Act may be cited as the Road Traffic (Consequential Provisions) Act 1988.
- (2) This Act, except those provisions that may be brought into force in accordance with subsection (3) below, shall come into force at the end of the period of six months beginning with the day on which it is passed.
- (3) The following provisions of Schedule 2 to this Act—

- (a) in Part I, paragraphs 1 and 15 to 20,
 - (b) Part II (except paragraph 22 so far as relates to subsections (5) to (8) of the new section inserted by that paragraph, which therefore come into force in accordance with subsection (2) above), and
 - (c) Parts III and IV,
- shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different purposes.
- (4) An order under subsection (3) above bringing any provision of Part I of Schedule 2 to this Act (wholly or partly) into force may contain such transitional provisions and savings (whether or not involving the modification of any provision contained in an Act or in subordinate legislation within the meaning of the Interpretation Act 1978) as appear to the Secretary of State necessary or expedient in connection with that provision.
 - (5) This Act does not extend to Northern Ireland except so far as it affects other enactments extending to Northern Ireland.