

## SCHEDULES

### NINETEENTH SCHEDULE

Section 267.

#### SAVINGS AND TRANSITIONAL PROVISIONS

- 1 In so far as any order, regulation, rule, scheme, byelaw, advance, agreement, application, appointment, arrangement, declaration, determination, nomination, objection, request, specification or statement made or having effect as if made, authorisation, dispensation, licence or permit granted, approval, certificate, consent, designation, direction or notice issued, given or delivered, condition, prohibition or requirement imposed or attached, classification or backing effected, or other thing done, under an enactment repealed by this Act could have been made, granted, issued, given, delivered, imposed, attached, effected or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by section two hundred and sixty-seven of this Act, but shall have effect as if made, granted, issued, given, delivered, imposed, attached, effected or done under that corresponding provision.
- 2 Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act or to appeals against disqualifications by virtue of convictions for offences so committed or against orders made in consequence of such convictions.
- 3 Any enactment passed before the passing of this Act referring, whether specifically or by means of a general description, to an enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act, and any document made or issued before the passing of this Act or any time thereafter (whether before or after the commencement of this Act) referring, whether specifically or by means of a general description, to an enactment so repealed shall, unless the contrary intention appears, be similarly construed.
- 4 (1) Without prejudice to paragraph 1 of this Schedule, any reference in this Act (whether express or implied) to a thing done or made or falling to be done or made, or to a thing suffered, or to an event which has occurred, under or for the purposes of or by reference to a provision of this Act shall, in so far as the context permits, be construed as including a reference to the corresponding thing done or made or falling to be done or made, to the corresponding thing suffered or, as the case may be, to the corresponding event which occurred under, or for the purposes of, or by reference to, the corresponding provision of the enactments repealed by this Act.  
(2) The foregoing sub-paragraph shall not apply to any reference in this Act to a conviction except the reference thereto in the Fourteenth Schedule to this Act.
- 5 (1) For the purpose of determining—
  - (a) the punishment (by fine, imprisonment or both) which may be imposed on a person in respect of the commission by him of an offence against any provision of this Act, or
  - (b) whether such an offence committed by a person involves obligatory disqualification for holding or obtaining a licence under Part II of this Act, or

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- (c) whether the power of the court to order disqualification for holding or obtaining such a licence in consequence of the commission by a person of such an offence is excluded or subject to any limitation,
- then—
- (i) if the offence is against a provision specified in the first column of the following Table, an offence committed by that person against the provision of the Road Traffic Act, 1930 ("the 1930 Act") or the Road Traffic Act, 1956 (" the 1956 Act") specified in the second column of that Table in relation to the first-mentioned provision shall be deemed to have been committed against that provision, and
- (ii) if the offence is against any other provision of this Act, an offence committed by that person against the corresponding provision of the enactments repealed by this Act shall be deemed to have been committed against that other provision.

TABLE

Provision of this Act	Provision of the 1930 or 1956 Act
Subsection (1) of section two.	Subsection (1) of section eleven of the 1930 Act, in its application to motor vehicles.
Subsection (1) of section three.	Subsection (1) of section twelve of the 1930 Act, in its application to motor vehicles.
Subsection (1) of section six.	Subsection (1) of section fifteen of the 1930 Act, in so far as it applied to driving or attempting to drive a motor vehicle.
	Subsection (1) of section fifteen of the 1930 Act in so far as it applied to driving or attempting to drive, or being in charge of, a motor vehicle.
Subsection (2) of section six.	Subsection (1) of section fifteen of the 1930 Act in so far as it applied to driving or attempting to drive, or being in charge of, a motor vehicle.
	Subsection (1) of section nine of the 1956 Act.
Section nine	Subsection (1) of section eleven of the 1930 Act, in its application, by virtue of section eleven of the 1956 Act, to bicycles and tricycles not being motor vehicles.
Subsection (1) of section ten.	Subsection (1) of section twelve of the 1930 Act, in its application, by virtue of section eleven of the 1956 Act, to bicycles and tricycles not being motor vehicles.

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Provision of this Act	Provision of the 1930 or 1956 Act
Subsection (1) of section eleven.	Subsection (1) of section fifteen of the 1930 Act, in its application, by virtue of section eleven of the 1956 Act, to bicycles and tricycles not being motor vehicles.
Subsection (1) of section two hundred and twenty-six.	Subsection (1) of section forty of the 1930 Act.
Subsection (2) of section two hundred and twenty-six.	

- (2) Without prejudice to the general application of the foregoing sub-paragraph to paragraphs 5 and 7 of the Eleventh Schedule to this Act, the reference in the said paragraph 5 (in the second column) to the offence specified in paragraph 4 shall be construed as including a reference to the corresponding offence under the enactments repealed by this Act, and the reference in the said paragraph 7 (in the third column) to the offence specified in paragraph 6 shall be similarly construed.
- 6 Where an offence, being an offence for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provision of this Act.
- 7 Section one hundred and six of this Act shall apply to a person disqualified, by virtue of a conviction under the enactments repealed by this Act, for holding a licence under Part I of the Road Traffic Act, 1930, as, by virtue of paragraph 4 of this Schedule, it applies to a person disqualified by an order of a court under those enactments for holding such a licence, references to the conviction and the court by which he was convicted being substituted for references respectively to the order by which the disqualification was imposed and the court by which the order was made.
- 8 Sections one hundred and six and one hundred and ten of this Act shall apply to a person disqualified by an order of a court under the Motor Car Act, 1903, for obtaining a licence under that Act as they apply to a person disqualified by an order of a court under Part II of this Act for holding or obtaining a licence under the said Part II.
- 9 Any person appointed to an office under or by virtue of an enactment repealed by this Act shall be deemed to have been appointed to that office under or by virtue of this Act.
- 10 Any record kept under an enactment repealed by this Act shall be deemed to form part of the record kept under the corresponding provision of this Act.
- 11 Without prejudice to the generality of the foregoing provisions of this Schedule, anything done by the Minister as respects Scotland before the coming into operation of the Transfer of Functions (Roads, Bridges and Ferries) Order, 1955, being a thing done in the exercise of a function to which the entries pertaining to that Order in the third column of Part II of the last foregoing Schedule relate, shall continue to have effect as if done by the Secretary of State or by the Minister and the Secretary of State acting jointly, as the case may be.
- 12 A direction in an order made under section one of the Road Traffic Act, 1934, and in force at the commencement of this Act that a length of road is to be deemed to be,

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or not to be, a road in a built-up area shall have effect as if it were a direction that that length of road is to become, or (as the case may be) to cease to be, a restricted road for the purposes of section nineteen of this Act, and any reference in any Act or in an instrument (other than such an order as aforesaid) made under an enactment repealed by this Act and in force as aforesaid to a road in a built-up area shall be construed as referring to such a restricted road as aforesaid.

13 Any byelaw made under section one hundred and four of the Roads and Bridges (Scotland) Act, 1878, or paragraph (1) or (3) of section three hundred and eighty-five of the Burgh Police (Scotland) Act, 1892, which is in force at the commencement of this Act shall continue in force and have effect as if it were an order made under section twenty-six of this Act.

14 The provisions of section twenty-seven of this Act shall apply to—

- (a) orders made by the Minister under subsection (4) of section seven of the Roads Act, 1920; and
- (b) orders made by him under section forty-six of the Road Traffic Act, 1930, before the coming into operation of section twenty-nine of the Road and Rail Traffic Act, 1933, being orders which under the said section twenty-nine would have fallen to be made by a council to which the said section forty-six applied ;

as if they were orders made by such a council; and references in any such order as is mentioned in sub-paragraph (a) of this paragraph to heavy motor cars or to locomotives shall be construed respectively as references to heavy motor cars as defined by this Act and to heavy locomotives and light locomotives as so defined.

15 In so far as it relates to the London Traffic Area, an order made or having effect as if made under section forty-six of the Road Traffic Act, 1930, or subsection (4) of section twenty-nine of the Road and Rail Traffic Act, 1933, which is in force at the commencement of this Act shall have effect by virtue of this paragraph but may be revoked or varied by regulations under section thirty-four of this Act.

16 The validity or duration of a licence granted under Part I of the Road Traffic Act, 1930, shall not be affected by reason that, under the provisions of section forty-eight of the Road Traffic Act, 1956, the licence ought to have been granted so as to remain in force for a period other than that for which the licence was in fact granted.

17 The repeal by this Act of subsection (2) of section forty-six of the Road Traffic Act, 1956, shall not affect the validation effected thereby of any scheme for the establishment on a road of crossings for foot passengers, and the repeal by this Act of subsection (3) of that section shall not affect the validation effected thereby of regulations under section eighteen of the Road Traffic Act, 1934; but nothing in this paragraph shall affect any proceedings for a contravention of such regulations which were pending at the coming into operation of the said section forty-six.

18 Subsection (8) of section forty-six of the Road Traffic Act, 1930, shall be deemed always to have had effect as if the reference therein to urban districts had included a reference to boroughs not being county boroughs.

19 The repeal by this Act of section one hundred and sixteen of, and the Fourth Schedule to, the Road Traffic Act, 1930, or of any enactment amending or otherwise relating to those provisions shall not affect any right to such compensation as is mentioned in that section, and the like provisions as to the determination and payment of such compensation (including provisions as to appeals against a refusal of the grant thereof or as to the amount thereof) shall apply as would have applied if this Act had not passed.