

SCHEDULES

SCHEDULE 6

Section 24(2).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Road Traffic Act 1960

- 1 (1) In section 133 of the 1960 Act (suspension of public service vehicle licences for defects in vehicles) in subsection (1), the proviso (where defects can be remedied suspension not to operate before the expiry of 48 hours unless the defects involve danger to the public) shall be omitted.
- (2) After subsection (2) of that section there shall be inserted the following subsections:
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- “(2A) A suspension under this section shall, subject to any exemption granted under subsection (2B) of this section, become operative as soon as notice thereof has been given to the licensee under subsection (2) of this section if in the opinion of the certifying officer or public service vehicle examiner concerned the defects in the vehicle involve danger to the public.
- (2B) In any case not falling within subsection (2A) of this section, the suspension under this section shall, unless it is previously removed or it previously ceases and subject to any exemption under subsection (2C) of this section, become operative at such time not later than ten days from the date of the inspection as seems appropriate to the certifying officer or public service vehicle examiner concerned, having regard to all the circumstances.
- (2C) Where a licence has been suspended under this section any certifying officer or public service vehicle examiner may grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose as may be specified in the exemption and where any such officer or examiner grants any such exemption he shall forthwith give notice of it to the traffic commissioners who granted the licence.
- (2D) Where a licence has been suspended under this section any certifying officer or public service vehicle examiner may by endorsement on the notice given to the licensee under subsection (2) thereof vary its terms and, in particular, alter the time at which the suspension is to become operative or suspend it if it has become operative and where any such officer or examiner makes any such variation or alteration he shall forthwith give notice of it to the traffic commissioners who granted the licence.”
- 2 In section 144 of that Act (drivers' and conductors' licences) at the end of subsection (6) (duration of licence) there shall be added the following subsection:—
- “(6A) Without prejudice to section 145(3) of this Act if, on the date on which an application is made for a licence to drive,

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or act as conductor of, a public service vehicle, the applicant is the holder of such a licence, the existing licence shall, notwithstanding anything in subsection (6) above, continue in force until the application is disposed of”.

The Airports Authority Act 1965

- 3 In section 12 of the Airports Authority Act 1965 (control of road traffic within British Airports Authority aerodromes) in subsection (3) (order may exempt particular roads from application of road traffic enactments) for the words from "particular roads" to the end of the subsection there shall be substituted the words "such roads or lengths of roads to which the public does not have access as the Authority may for the time being identify as being so exempted by means of a sign of a type or character specified in the order".

The Road Traffic Regulation Act 1967

- 4 In section 1 of the 1967 Act (traffic regulation orders outside Greater London) in subsection (3) (traffic regulation order may contain provisions regulating traffic either generally or subject to exceptions specified in the order) for the words "exceptions so specified, and " there shall be substituted the words "such exceptions as may be specified in the order or determined in a manner provided for by it and, subject to such exceptions as may be so specified or determined".

- 5 In section 6 of that Act (traffic regulation orders in Greater London) at the end of subsection (3) (places, times and traffic, etc. to which an order applies) there shall be added the following paragraph:—

“(e) subject to such exceptions as may be specified in the order or determined in a manner provided for by it”.

- 6 (1) In section 9 of that Act (experimental traffic orders) at the end of subsection (1) there shall be added the words "and, accordingly, subject to the following provisions of this section,—
- (i) the provisions of section 1 of this Act (other than subsections (2), (8) and (9) thereof) shall apply in relation to an experimental traffic order making provision as respects any road outside Greater London as they apply in relation to an order under that section ; and
 - (ii) the provisions of section 6 of this Act (other than subsections (2), (7), (8) and (9) thereof) shall apply in relation to an experimental traffic order making provision as respects traffic on roads in Greater London as they apply in relation to an order under that section."

- (2) Subsection (10) of that section shall be omitted.

- 7 In sections 24 and 25 of that Act (school crossing patrols) after the words "on their way to or from school", in each place where they occur, there shall be inserted the words "or on their way from one part of a school to another".

- 8 In subsection (1) of section 80 of that Act (fixed penalties in respect of certain offences) in paragraph (d)(ii) (contravention of provisions as to roads which are not to be used by vehicles of certain classes) after the words "roads" there shall be inserted the words "or parts of carriageways".

- 9 In section 85(1) of that Act (where an offence under that Act is committed, other than an offence under certain specified provisions, information must be given with a view to identifying the driver) the word "9(9)" shall be omitted.

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The Criminal Appeal Act 1968

10 In section 31 of the Criminal Appeal Act 1968 (powers of Court of Appeal on appeals to that court which are exercisable by a single judge) after subsection (2) there shall be inserted the following subsection:—

“(2A) The power of the Court of Appeal to suspend a person's disqualification under section 94A(2) of the Road Traffic Act 1972 may be exercised by a single judge in the same manner as it may be exercised by the Court.”

11 At the end of section 44 of that Act (powers of Court of Appeal on appeals to the House of Lords which are exercisable by a single judge) there shall be added the following subsection:—

“(2) The power of the Court of Appeal to suspend a person's disqualification under section 94A(3) of the Road Traffic Act 1972 may be exercised by a single judge, but where the judge refuses an application to exercise that power the applicant shall be entitled to have the application determined by the Court of Appeal.”

The Road Traffic Act 1972

12 In section 25(1) of the 1972 Act (duty to stop, and furnish particulars, in case of accident to a person, vehicle or animal) after the word " thereby ", in the second place where it occurs, there shall be inserted the words " or to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road in question is situated or land adjacent thereto ".

13 In section 36A of that Act the following subsections shall be inserted after subsection (3):—

“(3A) The Secretary of State may by regulations provide that, in relation to vehicles of such classes as may be specified in the regulations, subsection (1) above shall not apply or shall apply subject to such conditions as may be so specified.

(3B) In England and Wales a local authority may institute proceedings for an offence under this section committed with respect to the verge of a road, land or a footway in their area ; and in this section " local authority " means the council of a county, district or London borough, the Greater London Council or the Common Council of the City of London.”

14 (1) In section 53 of that Act (testing of condition of vehicles on roads) in subsection (1) (authorised examiners may test motor vehicles to ascertain whether certain requirements are complied with) in paragraph (b) after the word " of" there shall be inserted the word " noise ".

(2) In subsection (2) of that section (persons who may act as authorised examiners) the word " and", in the last place where it occurs, shall be omitted and at the end of the subsection there shall be added the words " and a person appointed by the police authority for a police area to act, under the directions of the chief officer of police, for the purposes of this section ".

15 In section 57(7) of that Act (power to prohibit the driving of vehicles in respect of which a weight limit has been exceeded), in paragraph (a), after the word " exceeded" there shall be inserted the words " or would be exceeded if it were used on a road ".

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- 16 Section 65 of that Act (restriction on number of trailers drawn) shall cease to have effect, but without prejudice to any power under sections 40 and 42 of that Act to make provision with respect to the number of trailers which may be drawn by a motor vehicle.
- 17 In section 94 of that Act (appeals against disqualification and power of court ordering disqualification to suspend it pending an appeal) after subsection (3) there shall be inserted the following subsection:—
- “(3A) Where a court exercises its power under subsection (2) or subsection (3) above it shall send notice of the suspension to the Secretary of State; and for the purposes of this section any such notice shall be sent in such manner and to such address and shall contain such particulars as the Secretary of State may determine.”
- 18 In section 115 of that Act (duration of heavy goods vehicle driver's licence) after subsection (3) there shall be added the following subsection:—
- “(4) Without prejudice to section 118(4) of this Act if, on the date on which an application is made for a heavy goods vehicle driver's licence, the applicant is the holder of such a licence and, apart from this subsection, his existing licence would expire in accordance with subsection (1) above, then, notwithstanding anything in that subsection, his existing licence shall continue in force until the application is disposed of”.
- 19 (1) In section 161 of that Act (power of constables to require production of driving licences and statement of date of birth) at the end of subsection (4) (no offence committed if licence produced at a police station within five days) there shall be added the words " in respect of a failure to produce his licence ".
- (2) Nothing in sub-paragraph (1) above shall affect the operation of the said subsection (4) in relation to a requirement made by a constable before that sub-paragraph comes into operation.
- 20 In section 166(2) of that Act (if a driver does not produce an insurance certificate, etc. at the time of an accident involving injury, he may do so in person at a nominated police station within five days of the accident being reported) for the words " he produces the same in person" there shall be substituted the words " the certificate or other evidence is produced ".
- 21 In section 168(2) of that Act (information to be given as to identity of driver, etc.) in paragraph (a) after the word "police" there shall be inserted the words " or, in the case of an offence under section 36A or section 36B of this Act, by or on behalf of a local authority within the meaning of the said section 36A ".
- 22 In section 179 of that Act (restrictions on prosecutions for certain offences) after subsection (3) there shall be inserted the following subsection:—
- “(3A) The requirement of subsection (2) above shall not apply in relation to an offence if, at the time of the offence or immediately thereafter, an accident occurs owing to the presence on a road of the vehicle in respect of which the offence was committed.”
- 23 In section 198(2) of that Act (certain provisions not to apply to trams and trolley-buses) for the words " 60 and 65 " there shall be substituted the words " and 60 ".
- 24 In Part I of Schedule 4 to that Act (prosecution and punishment of offences), in the entry relating to section 89(3) (driving licence holder failing, when his particulars

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become incorrect, to surrender licence and give particulars), in column 7 there shall be inserted the words " Section 180 applies ".