

## ELIZABETH II



# Road Traffic (Drivers' Ages and Hours of Work) Act 1976

## 1976 CHAPTER 3

An Act to amend the Road Traffic Act 1972 in so far as it relates to drivers' licences and the minimum age for driving certain classes of vehicles and to amend Part VI of the Transport Act 1968 and for connected purposes.

[25th March 1976]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.**—(1) Section 4 of the Road Traffic Act 1972 (offence of driving under age) is hereby repealed and Part III of that Act (ordinary driving licences) shall, subject to Schedule 2 to this Act, have effect with the substitution for section 96 (disqualification of persons under age) of the following—

“ Disquali-  
fication  
of persons  
under age.

**96.**—(1) A person is disqualified for holding or obtaining a licence to drive a motor vehicle of a class specified in the following Table if he is under the age specified in relation thereto in the second column of that Table.

Amendment  
of Road  
Traffic Act  
1972 as to  
drivers'  
licences and  
the minimum  
age of drivers  
1972 c. 20.

TABLE

<i>Class of motor vehicle</i>	<i>Age (in years)</i>
1. Invalid carriage ... ..	16
2. Motor cycle... ..	16

<i>Class of motor vehicle</i>	<i>Age (in years)</i>
3. Small passenger vehicle or small goods vehicle ... ..	17
4. Agricultural tractor ... ..	17
5. Medium-sized goods vehicle ... ..	18
6. Other motor vehicles ... ..	21

(2) The Secretary of State may by regulations provide that subsection (1) above shall have effect as if for the classes of vehicles and the ages specified in the Table thereto there were substituted different classes of vehicles and ages or different classes of vehicles or different ages.

(3) Subject to sub-paragraph (4) below, regulations under subsection (2) above may—

- (a) apply to persons of a class specified in or under the regulations;
- (b) apply in circumstances so specified;
- (c) impose conditions or create exemptions or provide for the imposition of conditions or the creations of exemptions;
- (d) contain such transitional and supplemental provisions (including provisions amending section 110, 124 or 188(3) of this Act as the Secretary of State considers necessary or expedient.

(4) For the purpose of defining the class of persons to whom, the class of vehicles to which, the circumstances in which or the conditions subject to which regulations under subsection (2) above are to apply where an approved training scheme for drivers is in force, it shall be sufficient for the regulations to refer to a document which embodies the terms (or any of the terms) of the scheme or to a document which is in force in pursuance of the scheme.

(5) In subsection (4) above—

“approved” means approved for the time being by the Secretary of State for the purpose of regulations under subsection (2) above;

“training scheme for drivers” means a scheme for training persons to drive vehicles of a class in relation to which the age which is in force under this section but apart from any such scheme is 21 years;

but no approved training scheme for drivers shall be amended without the approval of the Secretary of State.”

(2) Schedule 1 to this Act (which contains consequential and other amendments including amendments about heavy goods vehicle drivers' licences) shall have effect.

(3) Schedule 1 to this Act shall be treated, in so far as it amends sections 85, 107 and 110 of the Road Traffic Act 1972, as having 1972 c. 20. had effect since the beginning of 1976—

(a) for authorising the grant of driving licences authorising the driving of motor vehicles of any class since that time by reference to the classes of vehicles and the ages specified in section 96 of that Act as substituted by subsection (1) above; and

(b) for the interpretation of such licences;

and any regulations made by virtue of those amendments may have effect accordingly.

(4) Schedule 2 to this Act (which contains saving provisions) shall also have effect.

(5) The enactments specified in Part I of Schedule 3 to this Act (which includes some which are spent) are hereby repealed to the extent specified in the third column of that Schedule.

- 2.—(1) In Part VI of the Transport Act 1968 (drivers' hours)— Amendment of Transport Act 1968 about drivers' hours. 1968 c. 73.
- (a) in section 103(1), for the definition of “ the international rules ” there shall be substituted the words “ ‘ the applicable Community rules ’ means any directly applicable Community provision for the time being in force about the driving of road vehicles ”;
- (b) in section 103(1), in the appropriate places in alphabetical order, there shall be inserted the following definitions—
- “ ‘ the domestic drivers' hours code ’ has the meaning given by section 96(13) of this Act ”;
- “ ‘ relevant Community provision ’ means any Community provision for the time being in force about the driving of road vehicles, whether directly applicable or not ”;
- (c) for the words “ the international rules ” wherever occurring in that Part, there shall be substituted the words “ the applicable Community rules ”;
- (d) in section 95(1), there shall be inserted after the words “ proper hours ” the words “ or periods ” and there shall be substituted, for the words after “ fatigue ” (about the adaptation of that Part to take account of Community

provisions relating to international journeys), the following words—

“ but the Secretary of State may by regulations make such provision by way of substitution for or adaptation of the provisions of this Part, or supplemental or incidental to this Part, as he considers necessary or expedient to take account of the operation of any relevant Community provision.

(1A) Regulations under subsection (1) above may in particular—

- (a) substitute different requirements for the requirements of the domestic drivers' hours code or add to, make exceptions from or otherwise modify any of the requirements of that code;
  - (b) apply to journeys and work to which no relevant Community provision applies;
  - (c) include provision as to the circumstances in which a period of driving or duty to which a relevant Community provision or the domestic drivers' hours code applies is to be included or excluded in reckoning any period for purposes of the domestic drivers' hours code or any relevant Community provision respectively; and
  - (d) may contain such transitional, supplemental or consequential provisions as the Secretary of State thinks necessary or expedient ”;
- (e) in section 96(11), for the words from “ subsections (1) to (6) ” to “ (10) thereof ” there shall be substituted the words “ the domestic drivers' hours code ”;
- (f) after section 96(12) there shall be added the following subsection—
- “ (13) In this Part of this Act “ the domestic driver's hours code ” means the provisions of subsections (1) to (6) of this section as for the time being in force (and, in particular, as modified, added to or substituted by or under any instrument in force under section 95(1) of this Act or subsection (10) or (12) of this section) ”;
- (g) in section 98, for the words “ books and records ” in subsection (2) and the words “ books or records ” in subsection (4), there shall be substituted the words “ books, records or documents ”; and
- (h) in section 99, in subsection (1)(d), the word “ corresponding ” shall be omitted and in subsection (5) for the

words "book or register kept" there shall be substituted the words "book, register or document kept or carried";

- (i) in section 101, in subsection (3), after the words "(except regulations made" there shall be inserted the words "under section 95(1) or" and after that subsection there shall be inserted the following subsection—

"(3A) No regulations shall be made under section 95(1) of this Act unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament."

(2) In the following enactments in the Transport Act 1968, 1968 c. 73. that is to say, in section 35(2)(b), 62(4)(b) and 64(2)(c) and paragraph 2(5) of Schedule 9, any reference to Part VI of that Act shall be deemed to include a reference to the applicable Community rules (within the meaning of that Part).

(3) In the following enactments, that is to say section 11(1)(a) of the Road Haulage Wages Act 1938, section 19(3)(b) of the 1938 c. 44. Wages Councils Act 1959 and Schedule 2 to the Road Traffic (Foreign Vehicles) Act 1972, for the words "the international 1972 c. 27. rules" there shall be substituted the words "the applicable Community rules".

(4) The enactment specified in Part II of Schedule 3 to this Act is hereby repealed.

(5) Nothing in subsection (1) above shall invalidate any regulations made under the said section 95(1) and those regulations shall have effect as if they had been made under that subsection as substituted by paragraph (d) of subsection (1) above.

3. For section 103(7) of the Transport Act 1968 (which confers jurisdiction over an offence about drivers' hours on any court having jurisdiction in the place where the person charged with the offence is for the time being) there shall be substituted the following—

Extension of jurisdiction over offences about drivers' hours.

"(7) An offence under this Part of this Act may be treated for the purpose of conferring jurisdiction on a court (but without prejudice to any jurisdiction it may have apart from this subsection) as having been committed in any of the following places, that is to say—

- (a) the place where the person charged with the offence was driving when evidence of the offence first came to the attention of a constable or vehicle examiner;
- (b) the place where that person resides or is or is believed to reside or be at the time when the proceedings are commenced; or

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- (c) the place where at that time that person or, in the case of an employee-driver, that person's employer or, in the case of an owner-driver, the person for whom he was driving, has his place or principal place of business or his operating centre for the vehicle in question.

In this subsection "vehicle examiner" means an officer within the meaning of section 99 of this Act."

Citation,  
commence-  
ment and  
extent.

4.—(1) This Act may be cited as the Road Traffic (Drivers' Ages and Hours of Work) Act 1976.

- (2) The provisions of this Act shall come into force as follows—
- (a) with the exception of the provisions specified in paragraph (b) below, sections 1, 3 and 4 shall come into force on the passing of this Act;
  - (b) in Schedule 1, paragraph 8 and (except so far as it has effect for purposes of section 119 of the Road Traffic Act 1972) paragraph 11, and, in Schedule 2, subparagraphs (1), (2), (3) and (7) of paragraph 3 shall come into force on the appointed day;
  - (c) section 2 shall come into force on the appointed day.

(3) The Secretary of State may by order made by statutory instrument appoint a day for the coming into force of the provisions of this Act falling within paragraph (b) or (c) of subsection (2) above and different days may be appointed under this subsection for different provisions of section 2.

(4) In this Act "appointed day", in relation to any provision of it, means the day appointed under subsection (3) above for that provision to come into force.

(5) This Act does not extend to Northern Ireland.

## SCHEDULES

### SCHEDULE 1

#### Section 1.

#### CONSEQUENTIAL AND OTHER AMENDMENTS

1. In section 84 of the Road Traffic Act 1972 (in this Schedule referred to as "the principal Act") the following amendments shall be made—

- (a) in subsection (2) (offence of employing a person to drive without an ordinary driving licence), for the words "employ a person" there shall be substituted the words "cause or permit another person" and for the words "if the person employed" there shall be substituted the words "if that other person";
- (b) in subsection (3) there shall be substituted, for the words "a person may, without holding a licence" the words "it shall be lawful for a person who is not the holder of a licence, to" and for the words "a person may employ" the words "for a person to cause or permit"; and
- (c) in subsection (4) there shall be substituted, for the words "a person may at any time drive or employ", the words "it shall be lawful for a person to drive or cause or permit".

2. In section 85(1) of the principal Act (conditions of entitlement to driving licences) after the words "as to provisional licences" there shall be inserted the words "and to the provisions of any regulations made by virtue of section 107(1)(f) of this Act".

3. In section 88 of the principal Act, in subsection (3) (matters to be stated in driving licence), for paragraph (b), there shall be substituted—

- "(b) specify the restrictions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of the provisions of section 96 of this Act;"

and in subsection (4) (restrictions on classes of vehicles which may be driven as if driven under a provisional licence), for paragraph (a), there shall be substituted—

- "(a) a vehicle of a class for the driving of which he could not, by reason of the provisions of section 96 of this Act, lawfully hold a licence, or".

4. In section 107(1) of the principal Act (general power to make regulations about ordinary driving licences), there shall be inserted after paragraph (e) the following paragraphs—

- "(f) the effect of a change in the classification of motor vehicles for the purposes of this Part of this Act on licences then in force or issued or on the right to or the granting of licences thereafter;"

(g) the enabling of a person—

(i) whose entitlement to the grant of a licence to drive a class of motor vehicle is preserved by regulations under paragraph (f) above, and

(ii) who satisfies such conditions as may be prescribed to drive (and be employed in driving) that class of motor vehicle while he applies for the licence to be granted to him,"

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5. In section 110 of the principal Act (definitions for purposes of provisions about ordinary driving licences) there shall be inserted in the appropriate places the following definitions—

- “ ‘ agricultural tractor ’ means a tractor used primarily for work on land in connection with agriculture ”;
- “ ‘ articulated goods vehicle ’ means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle, and ‘ articulated goods vehicle combination ’ means an articulated goods vehicle with a trailer so attached ; ”
- “ ‘ maximum gross weight ’, in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry ; ”
- “ ‘ maximum train weight ’, in relation to an articulated goods vehicle combination, means the weight of the combination laden with the heaviest load which it is constructed or adapted to carry ; ”
- “ ‘ medium-sized goods vehicle ’ means a motor vehicle which is constructed or adapted to carry or to haul goods and is not adapted to carry more than 9 persons inclusive of the driver and the permissible maximum weight of which exceeds 3·5 but not 7·5 tonnes ; ”
- “ ‘ permissible maximum weight ’, in relation to a goods vehicle (of whatever description), means—
  - (a) in the case of a motor vehicle which neither is an articulated goods vehicle nor is drawing a trailer, the relevant maximum weight of the vehicle ;
  - (b) in the case of an articulated goods vehicle—
    - (i) when drawing only a semi-trailer, the relevant maximum train weight of the articulated goods vehicle combination ;
    - (ii) when drawing a trailer as well as a semi-trailer, the aggregate of the relevant maximum train weight of the articulated goods vehicle combination and the relevant maximum weight of the trailer ;
    - (iii) when drawing a trailer but not a semi-trailer, the aggregate of the relevant maximum weight of the articulated goods vehicle and the relevant maximum weight of the trailer ;
    - (iv) when drawing neither a semi-trailer nor a trailer, the relevant maximum weight of the vehicle ;
  - (c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the relevant maximum weight of the motor vehicle and the relevant maximum weight of the trailer ; ”



“ ‘relevant maximum weight’ , in relation to a motor vehicle or trailer, means—

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(a) in the case of a vehicle to which regulations under section 45 of this Act apply which is required by regulations under section 40 of this Act to have a maximum gross weight for the vehicle marked on a plate issued by the Secretary of State under regulations under the said section 40, the maximum gross weight so marked on the vehicle;

(b) in the case of a vehicle which is required by regulations under section 40 of this Act to have a maximum gross weight for the vehicle marked on the vehicle and does not also have a maximum gross weight marked on it as mentioned in paragraph (a) above, the maximum gross weight marked on the vehicle;

(c) in the case of a vehicle on which a maximum gross weight is marked by the same means as would be required by regulations under the said section 40 if those regulations applied to the vehicle, the maximum gross weight so marked on the vehicle;

(d) in the case of a vehicle on which a maximum gross weight is not marked as mentioned in paragraph (a), (b) or (c) above, the notional maximum gross weight of the vehicle, that is to say, such weight as is produced by multiplying the unladen weight of the vehicle by the number prescribed by the Secretary of State for the class of vehicle into which that vehicle falls;”

“ ‘relevant maximum train weight’ , in relation to an articulated goods vehicle combination, means—

(a) in the case of an articulated goods vehicle to which regulations under section 45 of this Act apply which is required by regulations under section 40 of this Act to have a maximum train weight for the combination marked on a plate issued by the Secretary of State under regulations under the said section 40, the maximum train weight so marked on the motor vehicle;

(b) in the case of an articulated goods vehicle which is required by regulations under section 40 of this Act to have a maximum train weight for the combination marked on the vehicle and does not also have a maximum train weight marked on it as mentioned in paragraph (a) above, the maximum train weight marked on the motor vehicle;

(c) in the case of an articulated goods vehicle on which a maximum train weight is marked by the same means as would be required by regulations under section 40 of this Act if those regulations applied to the vehicle, the maximum train weight so marked on the motor vehicle;

(d) in the case of an articulated goods vehicle on which a maximum train weight is not marked as mentioned in paragraph (a), (b) or (c) above, the notional maximum gross weight of the combination, that is to say, such weight as is produced by multiplying the sum of the unladen

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weights of the motor vehicle and the semi-trailer by the number prescribed by the Secretary of State for the class of articulated goods vehicle combination into which that combination falls;”

“ ‘ semi-trailer ’, in relation to an articulated goods vehicle, means a trailer attached to it in the manner described in the definition of articulated goods vehicle; ”

“ ‘ small goods vehicle ’ means a motor vehicle (other than a motor cycle or invalid carriage) which is constructed or adapted to carry or to haul goods and is not adapted to carry more than 9 persons inclusive of the driver and the permissible maximum weight of which does not exceed 3.5 tonnes; ”

“ ‘ small passenger vehicle ’ means a motor vehicle (other than a motor cycle or invalid carriage) which is constructed solely to carry passengers and their effects and is adapted to carry not more than 9 persons inclusive of the driver; ”.

6. In section 111(1) of the principal Act, for the words “ be employed in driving ” there shall be substituted the words “ for a person to cause or permit the holder of such a licence to drive ”.

7. In section 112 of the principal Act the following amendments shall be made—

(a) in subsection (2) (offence of employing a person to drive without a heavy goods vehicle drivers’ licence), for the word “ employ ”, there shall be substituted the words “ cause or permit ”;

(b) in subsection (3), for the words from “ as the case ” to “ employed ” there shall be substituted the words “ shall make it unlawful for a person who is not so licensed to act or, as the case may be, for a person to cause or permit such a person ”; and

(c) in subsection (4), for the word “ employment ”, there shall be substituted the words “ causing or permitting ”.

8. In section 114(1) of the principal Act (conditions precedent to grant of heavy goods vehicle drivers’ licences), for the words from “ Subject ” to “ Act ” there shall be substituted the words “ Subject to the provisions of any regulations made by virtue of section 119(1)(I) of this Act ”.

9. In section 114(4) of the principal Act (offence of employing a person under 21 to drive heavy goods vehicles in contravention of conditions of licence), for the word “ employ ” there shall be substituted the words “ cause or permit ”.

10. In section 119(1) of the principal Act (general power to make regulations about heavy goods vehicle drivers’ licences) the following amendments shall be made—

(a) in paragraph (b), after the word “ conduct ” there shall be inserted the words “ and, if the applicant is to be authorised to drive vehicles of any class at an age below the normal minimum age for driving vehicles of that class, with respect to participation in an approved training scheme for drivers ) ”;

(b) there shall be inserted after paragraph (k) the following paragraph—

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“(l) make provision about the effect of a change in the meaning of heavy goods vehicle or in the classification of heavy goods vehicles for the purposes of this Part of this Act on heavy goods vehicle drivers’ licences then in force or issued or on the granting of such licences thereafter;”

11. In section 124 of the principal Act (definitions for purposes of provisions about heavy goods vehicle drivers’ licences) the following amendments shall be made, that is to say—

(a) for the definition of “heavy goods vehicle” there shall be substituted the following definition—

“‘heavy goods vehicle’ means any of the following vehicles—

(a) an articulated goods vehicle;

(b) a large goods vehicle, that is to say, a motor vehicle (not being an articulated goods vehicle) which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7·5 tonnes;”

(b) the following new definitions shall be inserted at the appropriate places—

(i) “‘approved training scheme for drivers’ means a training scheme for drivers (within the meaning of section 96(4) of this Act) approved for the time being by the Secretary of State for the purposes of regulations under section 119 of this Act”;

(ii) “‘normal minimum age for driving’, in relation to the driving of vehicles of any class, means the age which is in force under section 96 of this Act (but apart from any approved training scheme for drivers) in relation to that class of vehicle;”.

(c) there shall be inserted at the end the following paragraph—

“and ‘articulated goods vehicle’ and ‘permissible maximum weight’ have the same meanings as they have for the purposes of Part III of this Act”.

12. In section 188(3) of the principal Act (minimum age restrictions not to apply to the driving of vehicles of armed forces), for the words preceding “shall not apply” there shall be substituted the words

“Subject to regulations made under subsection (2) of section 96 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)”.

13. In section 196(2) of the principal Act (interpretation of “class”) after the word “defined” there shall be inserted the words “or described”.

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14. In section 198(4) of the principal Act, for the word "section" there shall be substituted the words "sections 96 and".

15. In Part I of Schedule 4 to the principal Act (punishment of offences) in column 2 of the entries relating to section 84(2), 112(2) and 114(4), there shall be substituted for the word "Employing" the words "Causing or permitting".

1967 c. 76.

16. In section 104(2) of the Road Traffic Regulation Act 1967 (interpretation of "class"), after the word "defined" there shall be inserted the words "or described".

Section 1.

## SCHEDULE 2

## SAVING PROVISIONS

*Saving for existing regulations about  
minimum ages for driving*

1972 c. 20.

1. Notwithstanding the repeal by section 1 of this Act of section 4 of the Road Traffic Act 1972 (in this Schedule referred to as "the principal Act") any instrument made or having effect as if made under the said section 4 shall have effect (with the appropriate adaptation of references) as if made under subsection (2) of section 96 of the principal Act as substituted by section 1 of this Act and may be varied or revoked accordingly.

*Saving in relation to certain motor cars for holders  
of driving licences and similar persons*

2.—(1) This paragraph applies to a person who immediately before 1st January 1976 fulfilled any of the following conditions, that is to say—

- (a) he held a licence (whether full or provisional) authorising him to drive a motor car;
- (b) he was entitled to obtain a licence (other than a provisional licence) authorising him to drive a motor car or, having previously held a provisional licence, was entitled to obtain a provisional licence authorising him to drive a motor car or would have been (in either case) so entitled but for a current disqualification imposed by order of a court;
- (c) he would have been the holder of a valid licence authorising him to drive a motor car but for a current disqualification imposed by order of a court;
- (d) he was treated by virtue of regulations under subsection (5) of section 84 of the principal Act as being the holder of a licence authorising him to drive a motor car for the purposes of subsections (1) and (2) of that section or would have been so treated but for a current disqualification imposed by order of a court.

(2) Subject to sub-paragraph (3) below, a person to whom this paragraph applies shall not, by reason only of the provisions of section 96 of the principal Act as substituted by section 1 of this Act, be disqualified for holding or obtaining a licence authorising him to drive motor vehicles falling within the class described in paragraph 5 or 6 of the Table set out in subsection (1) of the said section 96.

(3) A person shall not be treated, by virtue of sub-paragraph (2) above, as entitled to the grant of a licence authorising him to drive a goods vehicle the permissible maximum weight of which exceeds 10 tonnes or a motor vehicle constructed solely for the carriage of passengers and their effects which is adapted to carry more than 15 passengers inclusive of the driver.

(4) This paragraph shall be construed as if it were contained in Part III of the principal Act but in sub-paragraph (1) "licence" includes a licence to drive motor vehicles granted under Part I of the Road Traffic Act (Northern Ireland) 1970.

1970 c. 2 (N.I.).

*Saving in relation to certain goods vehicles for holders of driving licences and similar persons*

3.—(1) This paragraph applies to—

(a) a goods vehicle which has by virtue of this Act become classified as a heavy goods vehicle, that is to say a motor car which—

(i) is, by virtue of paragraph 11 of Schedule 1 to this Act, a heavy goods vehicle for the purposes of Part IV of the principal Act (not having been a heavy goods vehicle for those purposes before the passing of this Act); and

(ii) is not an articulated goods vehicle (within the meaning of that Part);

(b) a person who, immediately before the passing of this Act, fulfilled any of the following conditions, that is to say—

(i) he held a driving licence (whether full or provisional) authorising him to drive a goods vehicle to which this paragraph applies;

(ii) he was entitled to obtain a driving licence (other than a provisional licence) authorising him to drive a goods vehicle to which this paragraph applies or, having previously held a provisional licence, was entitled to obtain a provisional licence authorising him to drive a goods vehicle to which this paragraph applies or would have been (in either case) so entitled but for a current disqualification imposed by order of a court;

(iii) he would have been the holder of a valid driving licence authorising him to drive a goods vehicle to which this paragraph applies but for a current disqualification imposed by order of a court.

(2) Nothing in section 112(1) or (2) of the principal Act (offences arising out of driving without heavy goods vehicle drivers' licence) shall apply to or in relation to the driving by a person to whom this paragraph applies of a goods vehicle to which this paragraph applies during 1976.

(3) Nothing in section 114(1) of the principal Act (restriction on grant of heavy goods vehicle drivers' licences) shall prevent the licensing authority from granting a full licence to drive a heavy goods vehicle if—

(a) the application for the grant of the licence is made during 1976 by a person to whom this paragraph applies;

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(b) the licensing authority is satisfied that in the course of any 12 consecutive months between the beginning of 1975 and the relevant appointed day the applicant had been in the habit during any period or periods of, or amounting in the aggregate to, six months of driving a goods vehicle to which this paragraph applies of a qualifying weight;

but any licence which the licensing authority grants by virtue of this sub-paragraph shall restrict the person to whom it is granted to the driving of a heavy goods vehicle which is not an articulated goods vehicle (within the meaning of Part IV of the principal Act) and the permissible maximum weight of which does not exceed 10 tonnes.

(4) The reference in sub-paragraph (3) above to the driving of a goods vehicle in any period between the beginning of 1975 and the relevant appointed day does not include a reference to the driving of a goods vehicle of a prescribed class or of a goods vehicle while it is being used in prescribed circumstances.

(5) The Secretary of State may by regulations restrict the class of goods vehicles to which this paragraph applies for the driving of which a licence may be granted by virtue of sub-paragraph (3) above by reference to the class of vehicle which the applicant for the licence was driving during any period between the beginning of 1975 and the relevant appointed day.

(6) In this paragraph—

“driving licence” means a licence to drive a motor vehicle granted under Part III of the principal Act or under Part I of the Road Traffic Act (Northern Ireland) 1970;

“goods vehicle” and “motor car” have the same meanings as they have in the principal Act;

“licensing authority” and “permissible maximum weight” have the same meanings as they have in Part IV of that Act;

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

“provisional licence” has the same meaning as it has in Part III of the principal Act or, as the case requires, in Part I of the Road Traffic Act (Northern Ireland) 1970;

“qualifying weight”, in relation to a goods vehicle, means that the vehicle has an unladen weight of 3 tons or less and a permissible maximum weight in excess of 7.5 tonnes;

“relevant appointed day” means the appointed day for paragraph 11 of Schedule 1 to this Act.

(7) Any reference in this paragraph to a driving licence authorising a person to drive a goods vehicle to which this paragraph applies shall, in relation to a driving licence granted under Part I of the Road Traffic Act (Northern Ireland) 1970, be construed as a reference to a licence so granted authorising him to drive a goods vehicle of a class which—

(a) is, by virtue of any provision having effect in Northern Ireland and corresponding with paragraph 11 of Schedule 1 to this Act, a heavy goods vehicle for the purposes of sections 66 to 72 and 74 of the Road Traffic Act (Northern Ireland) 1970

(not having been a heavy goods vehicle for those purposes before the coming into force of that provision); and

(b) is not an articulated goods vehicle within the meaning of section 74 of that Act.

(8) This paragraph shall be treated, for the purposes of section 199 of the principal Act (exercise and Parliamentary control of regulation-making powers), as if it were contained in that Act.

4. Notwithstanding section 38(2) of the Interpretation Act 1889 <sup>1889 c. 63.</sup> (repeals not to affect accrued liabilities and proceedings therefor), no person shall be convicted (whether in proceedings instituted before or in proceedings instituted after the passing of this Act) of an offence under section 4 or any provision of Part III of the principal Act by reason of his having at any time since the beginning of 1976 driven a motor vehicle of any class on a road under the age which by or under the said section 4 is the minimum age for driving a motor vehicle of that class if at that time he was the holder of a driving licence issued before the passing of this Act authorising him to drive a motor vehicle of that class and had attained the minimum age specified in the licence for driving that class of vehicle.

SCHEDULE 3

Sections 1 and 2.

ENACTMENTS REPEALED

PART I

Chapter	Short Title	Extent of Repeal
1972 c. 20.	The Road Traffic Act 1972.	Section 4. In section 107, in subsections (1) and (2), the words "section 4 or". In section 110, the words "and section 4 thereof". Section 122. In section 124, the words "and Schedule 5 thereto". In section 198(1), the word "4". In Schedule 4, in Part I, the entries relating to section 4(4). Schedule 5.
1972 c. 68.	The European Communities Act 1972.	In Schedule 4, in paragraph 9, sub-paragraph (1).
1974 c. 50.	The Road Traffic Act 1974.	Section 15(1).

PART II

Chapter	Short Title	Extent of Repeal
1972 c. 68.	The European Communities Act 1972.	In Schedule 4, in paragraph 9, sub-paragraph (3).

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