

SCHEDULES

SCHEDULE 4

Section 48.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Transport Act 1968 (c. 73)

- 1 In section 82(8) of the Transport Act 1968 (powers of entry and inspection), for the words “section 68 of the Road Traffic Act 1988” there shall be substituted the words “section 66A of the Road Traffic Act 1988”.
- 2 In section 99(8) of that Act (inspection of records), for the words from “a certifying” to “1988” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988”.

The Chronically Sick and Disabled Persons Act 1970 (c. 44)

- 3 In section 20(1) of the Chronically Sick and Disabled Persons Act 1970, in paragraph (b) (certain invalid carriages to be treated as not being motor vehicles for the purposes of the Road Traffic Act 1988 etc)—
 - (a) after the words “Road Traffic Act 1988” there shall be inserted the words “, except section 22A of that Act (causing danger to road users by interfering with motor vehicles etc),”, and
 - (b) at the end of the paragraph there shall be added the words “and sections 1 to 4, 163, 170 and 181 of the Road Traffic Act 1988 shall not apply to it”.

The Vehicles (Excise) Act 1971 (c. 10)

- 4 In section 5 of the Vehicles (Excise) Act 1971 (exemptions from duty in connection with vehicle testing etc) in subsection (3)—
 - (a) in the definition of “authorised person”, for the words from “person authorised” to “so authorised” there shall be substituted the words “person who is, or is acting on behalf of, an examiner or inspector entitled to carry out examinations for the purposes of that section”, and for the words “goods vehicle examiner” there shall be substituted the words “vehicle examiner”, and
 - (b) for the definition of “goods vehicle examiner” there shall be substituted—

““vehicle examiner” means an examiner appointed under section 66A of the Road Traffic Act 1988.”
- 5 In Schedule 4A to that Act (duty on vehicles used for carrying exceptional loads)—
 - (a) in paragraph 1, for the words “section 42 of the Road Traffic Act 1972” there shall be substituted the words “section 44 of the Road Traffic Act 1988”, and
 - (b) in paragraph 4, for the words “section 40” there shall be substituted the words “section 41”, and for the words “the Road Traffic Act 1972” in

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each place where they occur there shall be substituted the words “the Road Traffic Act 1988”.

The Road Traffic (Foreign Vehicles) Act 1972 (c. 27)

- 6 In section 1 of the Road Traffic (Foreign Vehicles) Act 1972 (power to prohibit driving of foreign goods vehicle) in subsection (6)(a) for sub-paragraphs (i) to (iii) there shall be substituted the words “section 40A of the Road Traffic Act 1988 (using vehicle in dangerous condition etc) or regulations under section 41 of that Act (construction, weight, equipment etc of motor vehicles and trailers),”.
- 7 In section 2(3B) of that Act (provisions supplementary to section 1) for “72(9)” there shall be substituted “72A”.
- 8 In section 7(1) of that Act (interpretation)—
- (a) in the definition of “examiner”, for the words following “means” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988, or a constable authorised to act for the purposes of this Act by or on behalf of a chief officer of police”, and
 - (b) in the definition of “official testing station” for “72(8)” there shall be substituted “72A”.
- 9 In Schedule 2 to that Act (provisions relating to vehicles and their drivers) after the entry relating to section 100 of the Transport Act 1968 there shall be inserted the following entry—

“Section 40A of the Road Traffic Act 1988.	To create offence of using motor vehicle or trailer in dangerous condition etc.”
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The International Road Haulage Permits Act 1975 (c. 46)

- 10 In section 1(9) of the International Road Haulage Permits Act 1975 in the definition of “examiner” for the words “section 68(1)” there shall be substituted the words “section 66A”.

The Highways Act 1980 (c. 66)

- 11 In section 42 of the Highways Act 1980 (power of district councils to maintain certain highways) in subsection (2)(c)(ii) for the words “under section 84 of that Act imposing a special limit” there shall be substituted the words “made by virtue of section 84(1)(a) of that Act imposing a speed limit”.
- 12 In each of sections 90A(1) and 90B(1) of that Act (construction of road humps) at the beginning of paragraph (b) there shall be inserted the words “(whether or not the highway is subject to such a limit)”.
- 13 In section 90F(2) of that Act (interpretation) for the definition of “statutory” there shall be substituted—
- ““statutory speed limit” means a speed limit having effect by virtue of an enactment other than section 84(1)(b) or (c) of the Road Traffic Regulation Act 1984 (temporary and variable speed limits).”

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The Public Passenger Vehicles Act 1981 (c. 14)

- 14 In section 6(1)(a) of the Public Passenger Vehicles Act 1981 (certificates of fitness etc), for the words “a certifying officer” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988”.
- 15 In section 10(2) of that Act (approval of type vehicle), for the words “the certifying officer” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988”.
- 16 (1) Section 51 of that Act (appeals to Secretary of State) shall be amended as follows.
- (2) In subsection (1) for the words “a certifying officer” there shall be substituted the words “an examiner”.
- (3) In subsection (4) for the words “the certifying officer” in each place where they occur there shall be substituted the words “the examiner”.

The Criminal Justice Act 1982 (c. 48)

- 17 In Part II of Schedule 1 to the Criminal Justice Act 1982 (offences excluded from Secretary of State’s power to make orders concerning the early release of prisoners)
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- (a) in the entry relating to section 1 of the Road Traffic Act 1988, for the word “reckless” there shall be substituted the word “dangerous”, and
- (b) after that entry there shall be inserted—

“Section 3A (causing death by careless driving when under the influence of drink or drugs).”

The Transport Act 1982 (c. 49)

- 18 (1) Section 9 of the Transport Act 1982 (private sector vehicle testing: the testing and surveillance functions) shall be amended as follows.
- (2) Under the cross-heading “Functions under the 1988 Act”—
- (a) for the paragraph beginning “The power of entry”, there shall be substituted—
- “The power of entry, inspection and detention of vehicles under section 68, but only in relation to vehicles brought to the place of inspection in pursuance of a direction given by a vehicle examiner or a constable under subsection (3) of that section.”,
- (b) in the following paragraph, after “69” there shall be inserted “69A,”, and for the word “goods vehicles” there shall be substituted the word “vehicles”.
- (3) Under the cross-heading “Functions under the 1981 Act”, the paragraph beginning “Any functions under section 9” shall be omitted.
- 19 (1) Section 10 of that Act (private sector vehicle testing: supplementary) shall be amended as follows.
- (2) For subsection (3) there shall be substituted—
- “(3) The words “or an authorised inspector” shall be inserted—

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- (a) in sections 51(1)(b) and 61(2)(a) of the 1988 Act, after the words “a vehicle examiner”, and
 - (b) in section 6(1)(a) and 10(2) of the 1981 Act, after the words “Act 1988”;
- and the words “or authorised inspector” shall be inserted after the word “examiner” wherever occurring in section 69 of the 1988 Act.”
- (3) In subsection (6) for “68(3)” there shall be substituted “68(1)”, and for “(4)” there shall be substituted “(3)”.
 - (4) In subsection (9), in subsection (2A) to be inserted in section 20 of the Public Passenger Vehicles Act 1981, for the words “public service vehicle examiner” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988”.
 - (5) In subsection (10) for the words from “certifying officer” to “goods vehicle examiner” there shall be substituted the words “vehicle examiner”.
- 20 For section 20 of that Act (substitution of new section for section 72 of the 1988 Act) there shall be substituted—

“20 Amendment of section 72 of 1988 Act

In section 72 of the 1988 Act (removal of prohibitions) after the word “constable” in each place where it occurs in subsections (1), (5) and (7), there shall be inserted the words “or authorised inspector”.

For section 21(4) of that Act (amendments with respect to appeals) there shall be substituted—

“(4) In section 51 of that Act (appeals to the Secretary of State)—

- (a) in subsection (1), after the word “examiner” there shall be inserted the words “or an authorised inspector”;
- (b) after subsection (1) there shall be inserted the following subsections—

“(1A) A person aggrieved by the refusal of the prescribed testing authority to approve a vehicle as a type vehicle under section 10 of this Act or by the withdrawal by that authority under that section of such approval may appeal to the Secretary of State.

(1B) On any appeal under subsection (1A) above, the Secretary of State shall cause an examination of the vehicle concerned to be made by an officer of the Secretary of State appointed by him for the purpose and shall make such determination on the basis of the examination as he thinks fit.”; and

- (c) in subsection (4) after the word “examiner” in both places where it occurs there shall be inserted the words “prescribed testing authority or authorised inspector concerned”.

(1) Section 24 of that Act (falsification of documents) shall be amended as follows.

(2) In subsection (2) for paragraph (a) there shall be substituted—

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- (a) in subsection (4) after the words “of this Act” there shall be inserted the words “or an authorised inspector appointed under section 8 of the Transport Act 1982”;
- (3) In subsection (4), in section 66A(2) to be inserted in the Public Passenger Vehicles Act 1981, for the words “a certifying officer, a public service vehicle examiner” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988”.
- 23 In section 26 of that Act (interpretation) for the definition of “goods vehicle examiner” there shall be substituted—
- ““vehicle examiner” means an examiner appointed under section 66A of the 1988 Act.”
- The Road Traffic Regulation Act 1984 (c. 27)*
- 24 In section 9 of the Road Traffic Regulation Act 1984 (experimental traffic orders) in subsection (1)(b), as substituted by the New Roads and Street Works Act 1991, for the words “83(2) or 84” there shall be substituted the words “or 83(2) or by virtue of section 84(1)(a)”.
- 25 In section 17(2) of that Act (traffic regulation on special roads) at the end there shall be added—
- “(d) include provisions having effect in such places, at such times, in such manner or in such circumstances as may for the time being be indicated by traffic signs in accordance with the regulations.”
- 26 In section 44 of that Act (control of off-street parking outside Greater London) in subsection (5) for the words “under section 84” there shall be substituted the words “made by virtue of section 84(1)(a)”.
- 27 In section 49 of that Act (supplementary provisions as to designation orders and designated parking places), after subsection (4) there shall be inserted the following subsection—
- “(4A) A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may suspend the use of a parking place designated under section 45 of this Act for not more than 7 days in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.”
- 28 In section 51 of that Act (parking devices), in subsection (5) the words “being not less than 2 years” shall be omitted.
- 29 In section 65 of that Act (powers and duties of highway authorities as to placing of traffic signs) after subsection (1) there shall be inserted—
- “(1A) The power to give general directions under subsection (1) above includes power to require equipment used in connection with traffic signs to be of a type approved in accordance with the directions.”
- 30 In section 85 of that Act (traffic signs for indicating speed restrictions) in subsections (1) and (2)(a) the words “the prescribed” shall be omitted.
- 31 (1) Section 96 of that Act (additional powers of traffic wardens) shall be amended as follows.

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- (2) In subsection (2) at the end of paragraph (b) there shall be inserted—
- “(bb) in this Act—
- (i) section 100(3) (which relates to the interim disposal of vehicles removed under section 99); and
- (ii) sections 104 and 105 (which relate to the immobilisation of illegally parked vehicles);”.
- (3) At the end of that section there shall be added—
- “(4) Where an order has been made pursuant to subsection (2)(bb)(i) above, in section 100(3) of this Act the words “chief officer of the police force to which the constable belongs” shall be deemed to include a reference to a chief officer of police under whose direction a traffic warden acts.
- (5) Any order made under section 95(5) of this Act may make different provision for different cases or classes of case, or in respect of different areas.”
- 32 At the end of section 99 of that Act (removal of vehicles illegally parked) there shall be inserted—
- “(6) For the purposes of this section, the suspension under section 13A or 49 of this Act of the use of a parking place is a restriction imposed under this Act.”
- 33 In section 103 of that Act (supplementary provision as to removal of vehicles), for subsection (3) there shall be substituted—
- “(3) Regulations made under sections 99 to 102 of this Act may make different provision for different cases or classes of case or in respect of different areas.”
- 34 (1) Section 104 of that Act (immobilisation of vehicles illegally parked) shall be amended as follows.
- (2) In subsection (3) for the word “constable” there shall be substituted the words “person authorised to give such a direction by the chief officer of police within whose area the vehicle in question was found”.
- (3) In subsection (12) there shall be added at the end “or classes of case or in respect of different areas”.
- 35 At the end of section 104 of that Act (immobilisation of vehicles illegally parked) there shall be inserted—
- “(12A) For the purposes of this section, the suspension under section 13A or 49 of this Act of the use of a parking place is a restriction imposed under this Act.”
- 36 (1) Section 105 of that Act (exemptions from section 104) shall be amended as follows.
- (2) In subsection (6)(a), for the words from “either” to “use) of” there shall be substituted the words “in accordance with regulations under”.
- (3) In subsection (6)(b), for “117(2)(b)” there shall be substituted “117(1)(b)”.
- 37 In paragraph 13 of Schedule 9 to that Act (consent of Secretary of State before local authority make certain orders), after sub-paragraph (1)(d)(ii) there shall be inserted—
- “(iii) a provision imposing a prohibition by virtue of paragraph (b) or (c) of that subsection, or”.

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The Roads (Scotland) Act 1984 (c. 54)

- 38 (1) In section 36 of the Roads (Scotland) Act 1984 (construction of road humps by roads authority) at the beginning of paragraph (b) there shall be inserted the words “(whether or not the road is subject to such a limit)”.
- (2) In section 40 of that Act (interpretation of sections 36 to 39) at the end of the definition of “statutory” there shall be added the words “other than section 84(1)(b) or (c) of the Road Traffic Regulation Act 1984 (temporary and variable speed limits)”.

The Police and Criminal Evidence Act 1984 (c. 60)

- 39 In Part II of Schedule 5 to the Police and Criminal Evidence Act 1984 (serious arrestable offences)—
- (a) in the entry relating to section 1 of the Road Traffic Act 1988, for the word “reckless” there shall be substituted the word “dangerous”, and
- (b) after that entry there shall be inserted—
- “Section 3A (causing death by careless driving when under the influence of drink or drugs).”

The Coroners Act 1988 (c. 13)

- 40 In section 16 of the Coroners Act 1988 (adjournment of inquest in certain cases) in subsection (1)(a)(ii) for the words from “section” to “driving” there shall be substituted the words “section 1 or 3A of the Road Traffic Act 1988 (dangerous driving or careless driving when under the influence of drink or drugs)”.
- 41 In section 17 of that Act (supplementary provisions) in subsections (1)(b) and (2)(b) for the words from “section” to “driving” there shall be substituted the words “section 1 or 3A of the Road Traffic Act 1988 (dangerous driving or careless driving when under the influence of drink or drugs)”.

The Road Traffic Act 1988 (c. 52)

- 42 In section 7 of the Road Traffic Act 1988 (provision of specimens for analysis)—
- (a) in subsection (1) for the words “section 4” there shall be substituted the words “section 3A, 4”, and
- (b) in subsection (3)(c) for the words “section 4” there shall be substituted the words “section 3A or 4”.
- 43 In section 10 of that Act (detention of persons affected by alcohol or a drug) in subsections (1) and (2) for the words “motor vehicle” in each place where they occur there shall be substituted the words “mechanically propelled vehicle”.
- 44 In section 11(1) of that Act (interpretation), for “4” there shall be substituted “3A”.
- 45 In section 12 of that Act (motor racing on public ways), in subsection (2) for the words “public highway” there shall be substituted the word “highway”.
- 46 In section 13 of that Act (regulation of motoring events on public ways), in subsection (4) for the words “public highway” there shall be substituted the word “highway”.
- 47 In section 14 of that Act (seat belts: adults) in subsection (2)(b)(i) for the word “addresses” there shall be substituted the word “addressees”.

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- 48 In section 22 of that Act (leaving vehicles in dangerous positions) for the words “be likely to cause danger” there shall be substituted the words “involve a danger of injury”.
- 49 In section 31 of that Act (regulation of cycle racing on public ways) for subsection (6) there shall be substituted—
- “(6) In this section “public way” means, in England and Wales, a highway, and in Scotland, a public road but does not include a footpath.”
- 50 (1) Section 41 of that Act (regulation of construction, weight, equipment and use of vehicles) shall be amended as follows.
- (2) In subsection (2) at the end of paragraph (e) there shall be added the words “(by means of the fixing of plates or otherwise) and the circumstances in which they are to be marked,”.
- (3) In subsection (2) after paragraph (j) there shall be inserted—
- “(jj) speed limiters,”.
- (4) After subsection (4) there shall be inserted—
- “(4A) Regulations under this section with respect to speed limiters may include provision—
- (a) as to the checking and sealing of speed limiters by persons authorised in accordance with the regulations and the making of charges by them,
- (b) imposing or providing for the imposition of conditions to be complied with by authorised persons,
- (c) as to the withdrawal of authorisations.”
- 51 In section 44(1) of that Act (authorisation of use on roads of special vehicles not complying with regulations under section 41) for the words from “and nothing” to “prevent” there shall be substituted the words “and sections 40A to 42 of this Act shall not apply in relation to”.
- 52 (1) Section 45 of that Act (tests of satisfactory condition of vehicles) shall be amended as follows.
- (2) In subsection (1), for the words “prescribed statutory requirements” onwards there shall be substituted the words “following requirements are complied with, namely—
- (a) the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment, and
- (b) the requirement that the condition of motor vehicles should not be such that their use on a road would involve a danger of injury to any person.”
- (3) In subsection (3), for paragraph (b) there shall be substituted—
- “(b) examiners appointed under section 66A of this Act”.
- 53 In section 46(a) of that Act (regulations as to authorisation of examiners), after the words “of examiners” there shall be inserted the words “in accordance with subsection (3)(a) of that section”.
- 54 (1) Section 49 of that Act (tests of satisfactory condition of goods vehicles and determination of plated weights etc) shall be amended as follows.

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- (2) In subsection (1), for the words following paragraph (b) there shall be substituted the words “or
- (c) for the purpose of ascertaining whether the condition of the vehicle is such that its use on a road would involve a danger of injury to any person,
- or for any of those purposes.”
- (3) In subsection (2)(b), after the word “requirements” there shall be inserted the words “and the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person”.
- (4) In subsection (4), in the definition of “goods vehicle test”, after the word “requirements” there shall be inserted the words “, or the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person,”.
- 55 (1) Section 50 of that Act (appeals against determinations) shall be amended as follows.
- (2) In subsection (1) for the words “an area” onwards there shall be substituted the words “the Secretary of State”.
- (3) Subsections (2) and (3) shall be omitted.
- 56 (1) Section 73 of that Act (provisions supplementary to sections 69 to 72) shall be amended as follows.
- (2) For subsection (1) there shall be substituted—
- “(1) Where it appears to a person giving a notice under section 69(6) or 70(2) of this Act that the vehicle concerned is an authorised vehicle, he must as soon as practicable take steps to bring the contents of the notice to the attention of—
- (a) the traffic commissioner by whom the operator’s licence was granted for the vehicle, and
- (b) the holder of the licence if he is not in charge of the vehicle at the time when the notice is given.
- (1A) Where it appears to a person giving a notice under section 69(6) or 70(2) of this Act that the vehicle concerned is used under a PSV operator’s licence, he must as soon as practicable take steps to bring the contents of the notice to the attention of—
- (a) the traffic commissioner by whom the PSV operator’s licence was granted for the vehicle, and
- (b) the holder of the licence if he is not in charge of the vehicle at the time when the notice is given.
- (1B) In a case not within subsection (1) or subsection (1A) above, a person giving a notice under section 69(6) or 70(2) of this Act must as soon as practicable take steps to bring the contents of the notice to the attention of the owner of the vehicle if he is not in charge of it at the time when the notice is given.
- (1C) A person giving a notice to the owner of a vehicle under section 72(7) of this Act must as soon as practicable take steps to bring the contents of the notice to the attention of any other person—

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- (a) who was the person to whom the previous notice under section 69(6) or 70(2) was given and was then the owner of the vehicle, or
 - (b) to whose attention the contents of the previous notice were brought under this section.”
- (3) Subsection (2) shall be omitted.
- (4) In subsection (4) at the end there shall be added the words “; and “PSV operator’s licence” has the same meaning as in the Public Passenger Vehicles Act 1981”.
- 57 In subsection (1)(a) of section 74 of that Act (operator’s duty to inspect goods vehicles) after the word “whether” there shall be inserted the words “the following requirements are complied with, namely—
- (i)”and
for the
words
“are
complied
with”
there
shall
be
substituted
the
words
- “and
- (ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person”.
- 58 (1) Section 76 of that Act (fitting and supply of defective or unsuitable vehicle parts) shall be amended as follows.
- (2) In subsection (1), after the words “to the vehicle” there shall be inserted the words “involve a danger of injury to any person or”.
- (3) In subsection (2)(b)(ii), after the words “its use” there shall be inserted the words “on a road”, and at the end there shall be added the words “and would not involve a danger of injury to any person.”
- (4) At the end of each of subsection (3), (5)(b)(ii) and (6)(a) there shall be added the words “or involve a danger of injury to any person”.
- 59 (1) Section 79 of that Act (provisions relating to weighing of motor vehicles) shall be amended as follows.
- (2) In subsection (2)—
- (a) for “68(1)” there shall be substituted “66A”;
 - (b) for the words from “vehicles of” to “vehicles generally” there shall be substituted the words “goods vehicles, public service vehicles, and vehicles which are not public service vehicles but are adapted to carry more than eight passengers,”.
- (3) In subsection (3)—

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- (a) for the words from “vehicles of” to “vehicles generally” there shall be substituted the words “such vehicles”, and
- (b) for the words “a certifying officer,” there shall be substituted the word “an”.
- 60 In section 84(2) of that Act (remuneration of examiners), for the words from “goods” to “73” there shall be substituted the words “examiners appointed under section 66A”.
- 61 In section 85 of that Act (interpretation of Part II)—
- (a) in the definition of “official testing station” for “72(8)” there shall be substituted “72A”, and
- (b) after the definition of “prescribed” there shall be inserted—
- ““public service vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981.”.
- 62 In section 86 of that Act (index to Part II), in the table, after the entry for “Prescribed” there shall be inserted—
- | | |
|-------------------------|---|
| “Public service vehicle | Section 85” and after the entry for “Type approval requirements” there shall be inserted— |
| “Vehicle examiner | Section 66A”. |
- 63 In section 89 of that Act (tests of competence to drive) at the end of subsection (3) (a) there shall be inserted the words “and section 36 of the Road Traffic Offenders Act 1988 (disqualification),”.
- 64 In section 115(3) of that Act (revocation or suspension of large goods vehicle or passenger-carrying vehicle driver’s licences) for the words “subsection (1)(a) above” there shall be substituted the words “this section or section 117 of this Act”.
- 65 (1) Section 117 of that Act (disqualification on revocation of large goods vehicle or passenger-carrying vehicle driver’s licences) shall be amended as follows.
- (2) In subsection (1), for the words “for the purposes of that paragraph” there shall be substituted the words “in pursuance of section 115(3)”.
- (3) After subsection (2) there shall be inserted—
- “(2A) Regulations may make provision for the application of subsections (1) and (2) above, in such circumstances and with such modifications as may be prescribed, where a person’s large goods vehicle or passenger-carrying vehicle driver’s licence is treated as revoked by virtue of section 37(1) of the Road Traffic Offenders Act 1988 (effect of disqualification by order of a court).”
- 66 In section 152 of that Act (duties of insurers etc: exceptions) at the end of subsection (2) there shall be added the words “and, for the purposes of this section, “material” means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk and, if so, at what premium and on what conditions.
- 67 In section 163(1) of that Act (power of police to stop vehicles) for the words “motor vehicle” there shall be substituted the words “mechanically propelled vehicle”.

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- 68 (1) Section 164 of that Act (power of constable to require production of driving licence etc) shall be amended as follows.
- (2) In subsection (1), after the word “constable” wherever it occurs there shall be inserted the words “or vehicle examiner”.
- (3) In subsection (2), for the words “Such a person” there shall be substituted the words “A person required by a constable under subsection (1) above to produce his licence”.
- (4) In subsection (3), after the word “constable” there shall be inserted the words “or vehicle examiner”.
- (5) In subsection (5) for the words “section 27 of the Road Traffic Offenders Act 1988” there shall be substituted the words “section 26 or 27 of the Road Traffic Offenders Act 1988 or section 44 of the Powers of Criminal Courts Act 1973 or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975.”
- (6) In subsection (6) for the words “and (8)” there shall be substituted the words “to (8A)”.
- (7) After subsection (8) there shall be inserted—
- “(8A) Subsection (8) above shall apply in relation to a certificate of completion of a training course for motor cyclists as it applies in relation to a licence.”
- (8) At the end of subsection (11) there shall be added the words “and “vehicle examiner” means an examiner appointed under section 66A of this Act.”
- 69 (1) Section 165 of that Act (powers of constables to obtain names and addresses of drivers etc) shall be amended as follows.
- (2) In subsection (1), after the word “constable” wherever it occurs there shall be inserted the words “or vehicle examiner”.
- (3) In subsection (5), after the word “constable” wherever it occurs there shall be inserted the words “or vehicle examiner”.
- (4) At the end of subsection (7) there shall be added the words “and “vehicle examiner” means an examiner appointed under section 66A of this Act.”
- 70 In section 166 of that Act (powers of certain officers as respects goods vehicles etc) for the words from the beginning to the end of paragraph (d) there shall be substituted the words “A person authorised for the purpose by a traffic commissioner appointed under the Public Passenger Vehicles Act 1981.”
- 71 In section 168 of that Act (offence of failing to give name and address in relation to certain offences) in paragraph (a) for the words “motor vehicle” there shall be substituted the words “mechanically propelled vehicle”.
- 72 (1) Section 170 of that Act (duty of driver to stop, report accident and give information or documents) shall be amended as follows.
- (2) In subsections (1) to (3) for the words “motor vehicle” in each place where they occur there shall be substituted the words “mechanically propelled vehicle”.
- (3) In subsection (5) for the words “the vehicle” there shall be substituted the words “a motor vehicle”.
- (4) In subsection (7) for the word “five” there shall be substituted the word “seven”.

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- 73 (1) Subsection (2) of section 173 of that Act (offences of forgery etc) shall be amended as follows.
- (2) After paragraph (c) there shall be inserted—
- “(cc) any seal required by regulations made under section 41 of this Act with respect to speed limiters,”.
- (3) In paragraph (d) for the words from the beginning to “Part II of this Act)” there shall be substituted the words “any plate containing particulars required to be marked on a vehicle by regulations under section 41 of this Act”.
- (4) After paragraph (d) there shall be inserted—
- “(dd) any document evidencing the appointment of an examiner under section 66A of this Act,”.
- (5) After paragraph (f) there shall be inserted—
- “(ff) any certificate provided for by regulations under section 97(3A) of this Act relating to the completion of a training course for motor cyclists,”.
- (6) After paragraph (l) there shall be added—
- “and
- (m) a certificate of the kind referred to in section 34B(1) of the Road Traffic Offenders Act 1988.”
- 74 (1) Section 176 of that Act (power to seize documents etc) shall be amended as follows.
- (2) In subsection (4), for the words from “a certifying” to “68(1)” there shall be substituted the words “an examiner appointed under section 66A”.
- (3) In subsection (5)(a), for the words “for the purposes of sections 68 to 72” there shall be substituted the words “under section 66A”.
- 75 In section 177 of that Act (impersonation of, or of person employed by, authorised examiner) after the words “a person authorised” there shall be inserted the words “in accordance with regulations made under section 41 of this Act with respect to the checking and sealing of speed limiters or a person authorised”.
- 76 In section 181 of that Act (provisions as to accident inquiries) in subsections (1) and (2) for the words “motor vehicle” in each place where they occur there shall be substituted the words “mechanically propelled vehicle”.
- 77 In section 183(3) of that Act (Crown application), for the words from “68” to “1981” there shall be substituted the words “66A of this Act”.
- 78 (1) Section 192 of that Act (interpretation) shall be amended as follows.
- (2) In subsection (1), in the definition of “road”—
- (a) after the word ““road”” there shall be inserted “(a)”, and
- (b) at the end there shall be inserted—
- “and
- (b) in relation to Scotland, means any road within the meaning of the Roads (Scotland) Act 1984 and any other way to which the public has access, and includes bridges over which a road passes,”.

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- (3) In subsection (1), in the definition of “trolley vehicle” for the words “and moved by” there shall be substituted the word “under”, and at the end there shall be added the words “(whether or not there is in addition a source of power on board the vehicle)”.
- (4) In subsection (2) the word ““road”” shall be omitted.
- 79 In Schedule 4 to that Act (provisions not applicable to tramcars)—
- (a) in paragraph 1, for “127” there shall be substituted “34”,
 - (b) in paragraph 2, for the words “Sections 2, 3, 4(1) and 181 of this Act do not apply” there shall be substituted the words “Section 181 of this Act does not apply”,
 - (c) in paragraph 3, for “41”, there shall be substituted “40A to”, and
 - (d) after paragraph 3 there shall be inserted—
- “3A Sections 68 and 69 of this Act do not apply to tramcars.”

The Road Traffic Offenders Act 1988 (c. 53)

- 80 In section 1 of the Road Traffic Offenders Act 1988 (requirement of warning etc of prosecution of certain offences), in subsection (1) for the words “where a person” to “convicted unless” there shall be substituted the words “a person shall not be convicted of an offence to which this section applies unless”.
- 81 For subsections (4) to (6) of section 2 of that Act (requirement of warning of prosecution: supplementary) there shall be substituted—
- “(4) Failure to comply with the requirement of section 1(1) of this Act in relation to an offence is not a bar to the conviction of a person of that offence by virtue of the provisions of—
- (a) section 24 of this Act, or
 - (b) any of the enactments mentioned in section 24(6);
- but a person is not to be convicted of an offence by virtue of any of those provisions if section 1 applies to the offence with which he was charged and the requirement of section 1(1) was not satisfied in relation to the offence charged.”
- 82 In section 5 of that Act (exemption from Licensing Act offence) for the words “section 4” there shall be substituted the words “section 3A, 4”.
- 83 In section 7 of that Act (duty of accused to provide licence) for the words “obligatory endorsement” there shall be substituted the words “obligatory or discretionary disqualification”.
- 84 In section 11(1) of that Act (evidence by certificate as to driver, user or owner) for the words “motor vehicle” in each place where they occur there shall be substituted the words “mechanically propelled vehicle”.
- 85 In section 12 of that Act (proof of identity of driver) after subsection (3) there shall be added—
- “(4) In summary proceedings in Scotland for an offence to which section 20(2) of the Road Traffic Act 1988 applies, where—
- (a) it is proved to the satisfaction of the court that a requirement under section 172(2) of the Road Traffic Act 1988 to give information

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- as to the identity of a driver on a particular occasion to which the complaint relates has been served on the accused by post, and
- (b) a statement in writing is produced to the court, purporting to be signed by the accused, that the accused was the driver of that vehicle on that occasion,
- that statement shall be sufficient evidence that the accused was the driver of the vehicle on that occasion.”
- 86 In section 14 of that Act (use of records kept by operators of goods vehicles) after the word “proceedings” there shall be inserted the words “for an offence under section 40A of the Road Traffic Act 1988 or”.
- 87 (1) Section 15 of that Act (use of specimens in proceedings for offences under sections 4 and 5 of the Road Traffic Act 1988) shall be amended as follows.
- (2) In subsection (1) for the words “section 4 or 5 of the Road Traffic Act 1988 (motor vehicles: drink and drugs)” there shall be substituted the words “section 3A, 4 or 5 of the Road Traffic Act 1988 (driving offences connected with drink or drugs)”, and for the words “sections 4 to 10” there shall be substituted the words “sections 3A to 10”.
- (3) In subsection (2) after the word “cases” there shall be inserted the words “(including cases where the specimen was not provided in connection with the alleged offence)”.
- (4) For subsection (3) there shall be substituted—
- “(3) That assumption shall not be made if the accused proves—
- (a) that he consumed alcohol before he provided the specimen and—
- (i) in relation to an offence under section 3A, after the time of the alleged offence, and
- (ii) otherwise, after he had ceased to drive, attempt to drive or be in charge of a vehicle on a road or other public place, and
- (b) that had he not done so the proportion of alcohol in his breath, blood or urine would not have exceeded the prescribed limit and, if it is alleged that he was unfit to drive through drink, would not have been such as to impair his ability to drive properly.”
- 88 (1) Section 17 of that Act (provisions as to proceedings for certain offences in connection with the construction and use of vehicles) shall be amended as follows.
- (2) In subsection (1) for the words “section 42(1) of the Road Traffic Act 1988 (contravention” there shall be substituted the words “section 40A, 41A, 41B or 42 of the Road Traffic Act 1988 (using vehicle in dangerous condition or contravention”.
- (3) In subsection (3) after the word “requirements” there shall be inserted the words “, or so that it has ceased to be excessive,”.
- 89 In section 21(3) of that Act (evidence of one witness sufficient in Scotland in relation to certain offences) for the words “or 36” there shall be substituted the words “, 36 or 172.”
- 90 (1) Section 23 of that Act (alternative verdicts in Scotland) shall be amended as follows.
- (2) In subsection (1)—
- (a) for the words “motor vehicle” there shall be substituted the words “mechanically propelled vehicle”; and
- (b) for the word “reckless” there shall be substituted the word “dangerous”.

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- (3) Subsection (2) shall be omitted.
- 91 (1) Section 27 of that Act (production of licence) shall be amended as follows.
- (2) In subsection (1), for the words from “endorsement” to “Act” there shall be substituted the words “or discretionary disqualification, and a court proposes to make an order disqualifying him or an order under section 44 of this Act, the court must, unless it has already received them,”.
- (3) Subsection (2) shall be omitted.
- (4) In subsection (3), after the words “as required” there shall be inserted the words “under this section or section 44 of the Powers of Criminal Courts Act 1973, or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975”.
- 92 (1) Section 30 of that Act (modification of penalty points where fixed penalty also in question) shall be amended as follows.
- (2) In subsection (1)(a) for the words “obligatory or discretionary disqualification” there shall be substituted the words “obligatory endorsement”.
- (3) In subsection (2)—
- (a) the words “Subject to section 28(2) of this Act” shall be omitted,
 - (b) in paragraph (a) for “28(1)” there shall be substituted “28”, and
 - (c) in paragraph (b) at the end there shall be added the words “(except so far as they have already been deducted by virtue of this paragraph)”.
- (4) Subsection (3) shall be omitted.
- 93 In section 31(1) of that Act (court may take particulars endorsed on licence into account) for the words “obligatory endorsement” there shall be substituted the words “obligatory or discretionary disqualification”.
- 94 In section 32(1) of that Act (court in Scotland may take extract from licensing records into account) for the words “obligatory endorsement” there shall be substituted the words “obligatory or discretionary disqualification”.
- 95 (1) Section 35 of that Act (disqualification for repeated offences) shall be amended as follows.
- (2) In subsection (1)(a) for the words “involving obligatory or discretionary disqualification” there shall be substituted the words “to which this subsection applies”.
- (3) After subsection (1) there shall be inserted—
- “(1A) Subsection (1) above applies to—
- (a) an offence involving discretionary disqualification and obligatory endorsement, and
 - (b) an offence involving obligatory disqualification in respect of which no order is made under section 34 of this Act.”
- (4) In subsection (2) for the words “was imposed” there shall be substituted the words “was for a fixed period of 56 days or more and was imposed”.

- (5) In subsection (3) for the words “involving obligatory of discretionary disqualification” there shall be substituted the words “to which subsection (1) above applies”.
- (6) In subsection (5) for the words following “1973” there shall be substituted the words “or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975 (offences committed by using vehicles) or a disqualification imposed in respect of an offence of stealing a motor vehicle, an offence under section 12 or 25 of the Theft Act 1968, an offence under section 178 of the Road Traffic Act 1988, or an attempt to commit such an offence”.
- (7) After subsection (5) there shall be inserted—
- “(5A) The preceding provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling, procuring, or inciting to the commission of, an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.”
- 96 In section 37(3) of that Act (driver disqualified until test is passed entitled to provisional licence) for “36(1)” there shall be substituted “36”.
- 97 After section 41 of that Act there shall be inserted—
- “41A Suspension of disqualification pending determination of applications under section 34B**
- (1) Where a person makes an application to a court under section 34B of this Act, the court may suspend the disqualification to which the application relates pending the determination of the application.
- (2) Where a court exercises its power under subsection (1) above it must send notice of the suspension to the Secretary of State.
- (3) The notice must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.”
- 98 In section 42 of that Act (removal of disqualification) after subsection (5) there shall be inserted—
- “(5A) Subsection (5)(a) above shall apply only where the disqualification was imposed in respect of an offence involving obligatory endorsement; and in any other case the court must send notice of the order made under this section to the Secretary of State.
- (5B) A notice under subsection (5A) above must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.”
- 99 (1) Section 45 of that Act (effect of endorsement) shall be amended as follows.
- (2) In subsection (5)(b), for sub-paragraph (ii) there shall be substituted—
- “(ii) an order is made for the disqualification of the offender under section 35 of this Act”.
- (3) In subsection (6) for the word “reckless” in both places where it occurs there shall be substituted the word “dangerous”.

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- (4) In subsection (7), for paragraph (a) there shall be substituted—
 “(a) section 3A, 4(1) or 5(1)(a) of that Act (driving offences connected with drink or drugs), or”.
- 100 (1) Section 47 of that Act (supplementary provisions as to disqualifications and endorsements) shall be amended as follows.
- (2) In subsection (2), for the words from “and, if it” to “disqualified, must” there shall be substituted the words “, and where a court orders the holder of a licence to be disqualified for a period of 56 days or more it must,”.
- (3) In subsection (3), for the words “any such order” there shall be substituted the words “an order for the endorsement of a licence or the disqualification of a person”.
- 101 For section 48 of that Act (exemption from disqualification and endorsement for offences against construction and use regulations) there shall be substituted—

“48 Exemption from disqualification and endorsement for certain construction and use offences

- (1) Where a person is convicted of an offence under section 40A of the Road Traffic Act 1988 (using vehicle in dangerous condition etc) the court must not—
- (a) order him to be disqualified, or
 - (b) order any particulars or penalty points to be endorsed on the counterpart of any licence held by him,
- if he proves that he did not know, and had no reasonable cause to suspect, that the use of the vehicle involved a danger of injury to any person.
- (2) Where a person is convicted of an offence under section 41A of the Road Traffic Act 1988 (breach of requirement as to brakes, steering-gear or tyres) the court must not—
- (a) order him to be disqualified, or
 - (b) order any particulars or penalty points to be endorsed on the counterpart of any licence held by him,
- if he proves that he did not know, and had no reasonable cause to suspect, that the facts of the case were such that the offence would be committed.
- (3) In relation to licences which came into force before 1st June 1990, the references in subsections (1) and (2) above to the counterpart of a licence shall be construed as references to the licence itself.”
- 102 For section 53 of that Act there shall be substituted—

“53 Amount of fixed penalty

- (1) The fixed penalty for an offence is—
- (a) such amount as the Secretary of State may by order prescribe, or
 - (b) one half of the maximum amount of the fine to which a person committing that offence would be liable on summary conviction,
- whichever is the less.

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- (2) Any order made under subsection (1)(a) may make different provision for different cases or classes of case or in respect of different areas.”
- 103 (1) Section 54 of that Act (power to give fixed penalty notices on the spot or at a police station exercisable only if offender would not if convicted be liable to disqualification under section 35) shall be amended as follows.
- (2) In subsection (1), after the word “where”, there shall be inserted the words “in England and Wales”.
- (3) After subsection (9) there shall be added—
- “(10) In determining for the purposes of subsections (3)(b) and (5)(a) above whether a person convicted of an offence would be liable to disqualification under section 35, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.”
- 104 In section 61 of that Act (fixed penalty notice mistakenly given) after subsection (5) there shall be added—
- “(6) In determining for the purposes of subsection (1) above whether a person convicted of an offence would be liable to disqualification under section 35, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.”
- 105 In section 69(4) of that Act (references to fixed penalty clerk) after the words “of this Act” there shall be inserted the words “(except in sections 75 to 77)”.
- 106 At the end of section 86(1) of that Act (functions of traffic wardens) there shall be added the words “unless that offence was committed whilst the vehicle concerned was stationary.”
- 107 (1) Section 89 of that Act (interpretation), shall be amended as follows.
- (2) After the definition of “authorised person” there shall be inserted—
- ““chief constable” means, in Scotland in relation to any conditional offer, the chief constable for the area in which the conditional offer has been issued.”
- (3) In the definition of “chief officer of police” for the words “or notice to owner” there shall be substituted the words “, notice to owner or conditional offer”.
- 108 In section 90 of that Act (index to Part III)—
- (a) in the entry relating to the expression “Conditional offer”, for the words “Section 75(4)” there shall be substituted the words “Section 75(3)”; and
- (b) at the end of the entry relating to the expression “Fixed penalty clerk” there shall be added the words “and 75(4)”.
- 109 In section 92 of that Act (persons in public service of Crown) after “16” there shall be inserted “20”.
- 110 In section 93(2) of that Act (persons subject to service discipline) for “4” there shall be substituted “3A”.

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- 111 (1) In subsection (1) of section 98 of that Act (interpretation), in paragraph (b) of the definition of “road”, for the words “has the same meaning as in the Roads (Scotland) Act 1984” there shall be substituted the words “means any road within the meaning of the Roads (Scotland) Act 1984 and any other way to which the public has access, and includes bridges over which a road passes,”.
- (2) At the end of subsection (2) of that section there shall be added the word “Act”.
- 112 (1) Schedule 3 to the Road Traffic Offenders Act 1988 (fixed penalty offences) shall be amended as follows.
- (2) After the entry relating to section 36 of the Road Traffic Act 1988 there shall be inserted—

“RTA section 40A	Using vehicle in dangerous condition etc.
RTA section 41A	Breach of requirement as to brakes, steering-gear or tyres.
RTA section 41B	Breach of requirement as to weight: goods and passenger vehicles.”

- (3) In the entry relating to section 42 of the Road Traffic Act 1988, for the words in column 2 there shall be substituted the words “Breach of other construction and use requirements”.
- (4) In the entry relating to section 87(1) of the Road Traffic Act 1988, in column 2 for the word “without” there shall be substituted the words “otherwise than in accordance with”.
- 113 In Schedule 5 to the Road Traffic Offenders Act 1988 (conditional offer of fixed penalty in relation to certain offences in Scotland), in the entry relating to section 87(2) of the Road Traffic Act 1988, in column (2) for the word “without” there shall be substituted the words “otherwise than in accordance with”.

The Road Traffic (Consequential Provisions) Act 1988 (c. 54)

- 114 In section 8(3) of the Road Traffic (Consequential Provisions) Act 1988 (commencement) for the words from the beginning to the end of paragraph (c) there shall be substituted the words “Paragraphs 15 to 20 of Schedule 2 to this Act”.