

## SCHEDULES

## FIRST SCHEDULE

Section 24.

## LIMITS OF SPEED FOR VEHICLES OF CERTAIN CLASSES OR DESCRIPTIONS

<i>Class or description of vehicle , (See also paragraph 13)</i>	<i>Maximum speed, miles per hour</i>
VEHICLES OTHER THAN TRACK-LAYING VEHICLES	
1. Passenger vehicles, that is to say, vehicles constructed solely for the carriage of passengers and their effects, and dual-purpose vehicles:—	
(1) vehicles having an unladen weight exceeding three tons, or adapted to carry more than seven passengers exclusive of the driver	30
(2) vehicles drawing trailers—	
(a) in the case of a motor car adapted to carry not more than seven passengers exclusive of the driver, if the trailer is a close-coupled four-wheeled trailer or is two-wheeled	30
(b) in the case of a motor cycle, if the trailer is two-wheeled	30
(c) in any other case	20
(3) invalid carriages	20
(4) vehicles not fitted with pneumatic tyres, and vehicles drawing trailers not fitted with pneumatic tyres	20
2. Goods vehicles, that is to say, vehicles constructed or adapted for use for the conveyance of goods or burden of any description, but not including dual-purpose vehicles:—	
(1) generally	30
(2) vehicles drawing trailers, not being articulated vehicles	20
(3) vehicles not fitted with pneumatic tyres, if drawing trailers or having an unladen weight exceeding one ton, and vehicles	20

*Status: This is the original version (as it was originally enacted).*

<i>Class or description of vehicle , (See also paragraph 13)</i>	<i>Maximum speed, miles per hour</i>
drawing trailers not fitted with pneumatic tyres	
(4) vehicles not fitted with resilient tyres	5
3. Motor tractors:—	
(1) generally	20
(2) if drawing two or more trailers	5
(3) if not fitted with resilient tyres	5
4. Heavy locomotives and light locomotives:—	
(1) generally	12
(2) if drawing more than two trailers	5
(3) if not fitted with resilient tyres	5
<b>TRACK-LAYING VEHICLES</b>	
5. Motor cars and heavy motor cars	20
6. Motor tractors:—	
(1) generally	20
(2) if drawing two or more trailers	5
7. Light locomotives:—	
(1) generally	12
(2) if drawing more than two trailers	5
8. Heavy locomotives	5
9. Track-laying vehicles which do not satisfy both of the following conditions,—	
(a) that the vehicle is fitted with springs between its frame and the weight-carrying rollers, and	
(b) that the vehicle is fitted with resilient material between the rims of the weight-carrying rollers and the road surface,	
and vehicles drawing track-laying trailers which do not satisfy both of those conditions	12
10. Track-laying vehicles satisfying neither of the said conditions, and vehicles drawing track-laying trailers satisfying neither of those conditions	5
11. Combined track-and-wheel vehicles not fitted with resilient tyres, and vehicles drawing trailers which are combined track-	5

<i>Class or description of vehicle , (See also paragraph 13)</i>	<i>Maximum speed, miles per hour</i>
and-wheel vehicles not fitted with resilient tyres	
12. Vehicles drawing trailers, where the drawing or any of the drawn vehicles, not being a track-laying vehicle, is not fitted with resilient tyres.	5

#### *INTERPRETATION AND APPLICATION*

- 13 A vehicle falling within two or more descriptions specified in this Schedule shall be treated as falling within that description for which the lowest limit of speed is specified.
- 14 (1) In this Schedule " dual-purpose vehicle " means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description, being a vehicle of which the unladen weight does not exceed two tons and which either—
- (a) satisfies the conditions as to construction specified in the next following sub-paragraph, or
  - (b) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle.
- (2) The conditions as to construction referred to in the last foregoing sub-paragraph are the following:—
- (a) the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel,
  - (b) the area of the vehicle to the rear of the driver's seat must—
    - (i) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered backrests, attached either to the seats or to a side or the floor of the vehicle; and
    - (ii) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than two square feet on each side and not less than one hundred and twenty square inches at the rear;
  - (c) the distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in head (i) of this sub-paragraph (or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the backrests of the rearmost such row) must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.
- 15 In this Schedule " close-coupled", in relation to a trailer, means that the wheels on the same side of the trailer are so fitted that at all times while it is in motion they remain parallel to the longitudinal axis of the trailer, and that the distance between the centres of their respective areas of contact with the road surface does not exceed thirty-three inches.

*Status: This is the original version (as it was originally enacted).*

- 16 In this Schedule " articulated vehicle " means a vehicle with a trailer so attached to the drawing vehicle that part of the trailer is superimposed upon the drawing vehicle, and when the trailer is uniformly loaded not less than twenty per cent. of the weight of its load is borne by the drawing vehicle.
- 17 In this Schedule, in relation to a vehicle (including a trailer), " fitted with pneumatic tyres " means that every wheel of the vehicle is fitted with pneumatic tyres, and " fitted with resilient tyres " means that every wheel of the vehicle is fitted either with pneumatic tyres or with other soft or elastic tyres.
- 18 In this Schedule "track-laying" means so designed and constructed that the weight is transmitted to the road surface either by means of continuous tracks or by a combination of wheels and continuous tracks, and "combined track-and-wheel vehicle" means a vehicle so designed and constructed that its weight is transmitted to the road surface by a combination of wheels and continuous tracks.
- 19 A heavy motor car or motor car drawing a trailer and being used as a public service vehicle or as a goods vehicle shall be treated as not drawing a trailer if the trailer is used solely for the carriage of a container or containers for holding, or plant and materials for producing, for the purpose of the propulsion of the drawing vehicle, any fuel that is wholly gaseous at sixty degrees Fahrenheit under a pressure of thirty inches of mercury.
- 20 (1) Paragraphs 1 to 4 of this Schedule do not apply to, and paragraphs 5 to 12 apply only to, track-laying vehicles and vehicles drawing track-laying trailers or trailers some of which are track-laying.
- (2) Paragraphs 1 to 12 of this Schedule do not apply to vehicles for the time being used in the conduct of experiments or trials under section six of the Roads Improvement Act, 1925, or section two hundred and forty-nine of the Highways Act, 1959.

## SECOND SCHEDULE

Section 30.

### THE LONDON AND HOME COUNTIES TRAFFIC ADVISORY COMMITTEE

#### *Constitution of the Committee*

- 1 The London and Home Counties Traffic Advisory Committee (in this Schedule referred to as " the Committee ") shall consist of the following numbers of members appointed as follows:—

<i>Number of Members.</i>	<i>By whom appointed.</i>
One	By the Secretary of State:
One	By the Minister:
Six	By the London County Council:
One	By the Corporation of the City of London :
One	By the Council of the City of Westminster:

<i>Number of Members.</i>	<i>By whom appointed.</i>
Six	By the councils of the remaining metropolitan boroughs:
Two	By the Middlesex County Council:
One	By the Essex County Council:
One	By the Kent County Council:
One	By the Surrey County Council:
One	By the Buckinghamshire and Hertfordshire County Councils:
One	By the Council of the County Borough of Croydon:
One	By the Council of the County Borough of East Ham:
One	By the Council of the County Borough of West Ham:
One	By the Secretary of State to represent the metropolitan police:
One	By the Secretary of State to represent county and borough police forces in the London Traffic Area:
One	By the Corporation of the City of London to represent the City police:
Four	By the British Transport Commission:
Five	By the Minister of Labour, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of labour engaged in the transport industry within the London Traffic Area:
Two	By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than such persons as are hereinafter mentioned and other than the British Transport Commission and any Executive) providing or using mechanically propelled road vehicles within the London Traffic Area.
One	By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission

*Status: This is the original version (as it was originally enacted).*

<i>Number of Members.</i>	<i>By whom appointed.</i>
One	and any Executive) who are holders of A or B licences (within the meaning of Part IV of this Act) carrying on business within the London Traffic Area:  By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons who are holders of C licences (within the meaning of Part IV of this Act) carrying on business within the London Traffic Area:
One	By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission and any Executive) who are the holders of licences authorising them to operate public service vehicles within the London Traffic Area:
One	By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission and any Executive) providing or using horse-drawn road vehicles within the London Traffic Area.
One	By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of the taxi-cab industry within the London Traffic Area.
One	By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons using bicycles and tricycles, not being motor vehicles, within the London Traffic Area.

*Supplementary Provisions*

- 2 Where one or more members are to be appointed by a group of local authorities, the appointment shall be made by a joint committee consisting of one representative

- chosen by each of the local authorities in accordance with rules of procedure made by the Minister by statutory instrument.
- 3 Every member appointed by a local authority or group of local authorities (other than the representative of the City police) shall be a member of the local authority or of one of the grouped authorities, as the case may be, and, if he ceases to hold such qualification, shall cease to be a member of the Committee.
- 4 The chairman of the Committee shall be such member thereof as may be elected chairman by the Committee from among the members appointed by local authorities or groups of local authorities, other than the representative of the City police.
- 5 (1) Subject to the provisions of the next following paragraph with respect to the term of office of persons appointed to fill casual vacancies, the term of office of the members of the Committee shall be three years, except that—
- (a) the chairman shall go out of office on the day on which the members of the Committee by whom he is elected ordinarily go out of office:
  - (b) a member of the Committee who, without having received leave of absence by a resolution of the Committee, fails for a period of six months to attend duly summoned meetings of the Committee, or a sub-committee on which he has been appointed to serve, shall thereupon vacate his seat.
- (2) A member of the Committee going out of office may be reappointed, except that a member so doing by virtue of head (b) of the foregoing sub-paragraph shall not be eligible for reappointment in respect of that vacancy.
- 6 (1) On a casual vacancy occurring on the Committee by reason of death, resignation or otherwise, the vacancy shall be filled by the appointment of a new member in like manner as the member in whose place he is appointed, and he shall hold office until the time when the member in whose place he is appointed would have gone out of office, and shall then go out of office.
- (2) The election of a member as chairman shall not create a casual vacancy.
- (3) Sub-paragraph (1) of this paragraph shall apply to the chairman with the substitution of " election " for "appointment" and of "elected" for "appointed".
- 7 The Minister may place at the disposal of the Committee the services of such of the officers and servants of the Ministry of Transport as appear to him to be required for the purpose of the proper discharge of the duties of the Committee.
- 8 The Committee may make rules for regulating their procedure (including the fixing of a quorum, and the appointment, powers, duties and procedure of sub-committees) and for regulating the procedure at any inquiry held by the Committee, or by any members thereof, under this Act.
- 9 The proceedings of the Committee shall not be invalidated by a vacancy in their number or a defect in the appointment of a member.
- 10 All expenses incurred in connection with the execution of powers and duties under sections thirty-two and thirty-three of this Act by the Committee or the members thereof shall, to such amount as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.

### THIRD SCHEDULE

Section 31.

#### PARTICULAR MATTERS WHICH MAY BE REFERRED TO LONDON AND HOME COUNTIES TRAFFIC ADVISORY COMMITTEE

- 1     The co-ordination of all or any of the various forms of transport services, and co-operation between the persons operating the same or different forms of transport services, with a view to the combined operation of all means of transport in the London Traffic Area in the best interests of the public.
- 2     The causes tending to hinder the free circulation of traffic on streets in the London Traffic Area and the measures to be adopted to remove such causes or to minimise their effects.
- 3     The desirability of the revision, simplification, codification and extension of existing enactments, orders, regulations and byelaws, and of the initiation of new legislation, with regard to or affecting traffic on streets in the London Traffic Area.
- 4     The making of new orders, byelaws and regulations (including the fixing of speed limits) relating to traffic on streets in the London Traffic Area.
- 5     The provision of sufficient headroom in the construction of new bridges over streets, and the proper marking and lighting of structures across streets which do not provide sufficient headroom.
- 6     The comparative desirability of different forms of transport services in various circumstances either generally or in particular localities, or in any specific case.
- 7     The development, improvement, or extension of the existing system of road communication within the London Traffic Area.
- 8     New transport systems or developments or extensions of existing systems proposed to be established or carried out within the London Traffic Area.
- 9     The exercise of any of the powers of the Minister from whatsoever source derived in relation to traffic on streets in the London Traffic Area.
- 10    The formulation of proposals for the equitable distribution amongst the various-road authorities in the London Traffic Area of the cost of any scheme of road development, improvement or extension.

### FOURTH SCHEDULE

Section 34.

#### SCOPE OF TRAFFIC REGULATIONS THAT MAY BE MADE BY THE MINISTER FOR THE LONDON TRAFFIC AREA

- 1     For prescribing the routes to be followed by all classes of traffic, or by any particular class or classes of traffic or vehicles, from one specified point to another, either generally or between any specified times.
- 2     For prescribing streets which are not to be used for traffic by vehicles, or by vehicles of any specified class or classes, either generally or at specified times.
- 3     For regulating the relative position in the roadway of traffic of differing speeds or types.
- 4     For prescribing the places where vehicles or vehicles of any particular class or description may not turn so as to face in the opposite direction to that in which they



- were proceeding, or where they may only so turn under conditions prescribed by the regulations.
- 5 For prescribing the conditions subject to which, and the times at which, articles of exceptionally heavy weight or exceptionally large dimensions may be carried by road.
- 6 For prescribing the number and maximum size and weight of trailers which may be drawn on streets by vehicles or vehicles of any particular class or description either generally or on streets of any class or description, and for prescribing that a man should be carried on the trailer or, where more than one trailer is drawn, on the rear trailer for signalling to the driver.
- 7 For prescribing the conditions subject to which, and the times at which, articles may be loaded on to or unloaded from vehicles, or vehicles of any particular class or description, on streets.
- 8 For prescribing the conditions subject to which, and the times at which, vehicles, or vehicles of any particular class or description, delivering or collecting goods or merchandise, or delivering goods or merchandise of any particular class or classes, may stand in streets, or in streets of any class or description, or in specified streets.
- 9 For prescribing the conditions subject to which, and the times at which, vehicles, or vehicles of any particular class or description, may be used on streets for collecting refuse.
- 10 For prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, in opposite directions, or when crossing.
- 11 For prescribing the conditions subject to which, and the times at which, horses, cattle, sheep and other animals may be led or driven on streets within the metropolitan police district and the City of London.
- 12 For requiring the erection, exhibition, and removal of traffic notices, and as to the form, plan, and character of such notices.
- 13 Broken down vehicles.
- 14 Vehicles, or vehicles of any particular class or description, when unattended.
- 15 Places in streets where vehicles, or vehicles of any particular class or description, may, or may not, wait either generally or at particular times.
- 16 Cab ranks and ranks and stopping places of omnibuses and other public conveyances.
- 17 Cabs and hackney carriages not hired and being in a street elsewhere than on a cab rank.
- 18 For restricting the use of vehicles and animals, and of sand-wichmen and other persons, in streets for the purposes of advertisement of such a nature or in such a manner as to be likely to be a source of danger or to cause obstruction to traffic.
- 19 The lighting and guarding of street works.
- 20 The erection or placing or the removal of any works or objects likely to hinder the free circulation of traffic in any street, or likely to occasion danger to passengers or vehicles.
- 21 Queues of persons waiting in streets.
- 22 Priority of entry to public vehicles.

- 23 For enabling any police, local or other public authority, in the event of any person failing to do anything which under the regulations he ought to have done, to do such act, and to recover the expenses thereof from the person so in default summarily as a civil debt.

## FIFTH SCHEDULE

Section 35.

### SCOPE OF TRAFFIC REGULATIONS THAT MAY BE MADE BY COMMISSIONERS OF POLICE OF METROPOLIS AND FOR CITY OF LONDON

- 1 Prescribing the routes to be followed by traffic from one specified point to another.
- 2 Prescribing streets which are not to be used for traffic.
- 3 Regulating the relative position in the roadway of traffic of differing speeds or types.
- 4 Prescribing the places where vehicles may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under prescribed conditions.
- 5 Prescribing the conditions subject to which and the times at which articles may be loaded on to or unloaded from vehicles on streets.
- 6 Prescribing the conditions subject to which and the times at which vehicles delivering or collecting goods or merchandise, or goods or merchandise of any particular class or classes, may stand in streets.
- 7 Prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, in opposite directions or when crossing.
- 8 Making provision as to vehicles when unattended.
- 9 Making provision as to places in streets where vehicles may, or may not, wait.
- 10 Making provision as to cab ranks and ranks and stopping places of omnibuses and other public conveyances.

## SIXTH SCHEDULE

Section 36.

### NOTIFICATION OF TEMPORARY TRAFFIC RESTRICTIONS

- 1 (1) Subject to the provisions of this Schedule, not less than seven days before making an order under subsection (1) or subsection (4) of the principal section the highway authority shall cause notice of their intention to make the order to be published in one or more newspapers circulating in the district in which the road or part of a road affected by the order is situate, and shall also within a period of seven days after making any such order cause a notice of the making of the order to be published in the like manner.
- (2) Every such notice shall contain a statement of the effect of the order, and in so far as it relates to an order under subsection (1) of the principal section, shall also contain a description of the alternative route or routes available for traffic.
- (3) Where the appropriate Minister gives his approval to an order under subsection (1) or subsection (4) of the principal section continuing in force for longer than the period

*Status: This is the original version (as it was originally enacted).*

limited by the principal section, the highway authority shall give such notice of the appropriate Minister's approval as may be directed by him.

- 2 So long as any order made under subsection (1) of the principal section is in force, a notice stating the effect of the order, and describing the alternative route or routes available for traffic, shall be kept posted in a conspicuous manner at each end of the part of the road to which the order relates, and at the points at which it will be necessary for vehicles to diverge from the road.
- 3 (1) A notice issued under subsection (2) of the principal section shall describe the alternative route or routes available for traffic, and shall be kept posted in accordance with the provisions of the last foregoing paragraph.
- (2) Where such a notice has been posted, the highway authority may, before the expiration of the period for which the notice can continue in force, proceed to make an order under subsection (1) of the principal section with respect to the same road or part of a road without causing notice of their intention to make the order to be published in any newspaper.

## SEVENTH SCHEDULE

Section 47.

### AREAS (IN ENGLAND OR WALES), AND AUTHORITIES, FOR AGREEMENTS UNDER SECTION 47

Description of Area	Council	Police Authority
1. So much of any county as is comprised in a combined area.	The county council	The combined police authority for the combined area.
2. A county borough comprised in a combined area.	The county borough council.	The combined police authority for the combined area.
3. A non-county borough which is a separate police area.	The council of the county comprising the borough.	The police authority for the borough.
4. A county borough whose police force is consolidated with a county police force.	The county borough council.	The police authority for the county.
5. So much of any county as is not within the metropolitan police district and does not fall within paragraph 1 or 3 of this Schedule.	The county council	The police authority for the county.

In this Schedule "combined area" has the same meaning as in the Police Act, 1946, references to the police authority for a county are references to the police authority for so much of the county as is not comprised in a police area other than the county, and the reference in paragraph 4 of this Schedule to the consolidation of a borough police force with a county police force is a reference to its being consolidated therewith in pursuance of a consolidation agreement within the meaning of section twelve of the Police Act, 1946.

---

*Status: This is the original version (as it was originally enacted).*

---

## EIGHTH SCHEDULE

Section 67 and 20th Sch.

### DEFERRED TESTS OF CONDITION OF VEHICLES

- 1       Where the driver is the owner of the vehicle, he may at the time of electing that the test shall be deferred specify a period of seven days within which the deferred test is to take place, being a period falling within the next thirty days, disregarding any day on which the vehicle is outside Great Britain, and may at that time require that the deferred test shall take place on premises then specified by him where the test can conveniently be carried out or that it shall take place in such area in England or Wales, being a county borough or county district or the administrative county of London, or such area in Scotland, being a county or burgh, as he may specify at the said time.
- 2       Where the driver is not the owner of the vehicle, he shall inform the examiner of the name and address of the owner of the vehicle and the owner shall be afforded an opportunity of specifying such a period, and such premises or area, as aforesaid.
- 3       (1) Where under the foregoing provisions of this Schedule a period has been specified within which the deferred test is to be carried out, the time for carrying it out shall be such time within that period as may be notified, being a time not earlier than two days after the giving of the notification.
- (2) Where no such period has been specified as aforesaid, the time for the carrying out of the deferred test shall be such time as may be notified, being a time not earlier than seven days after the giving of the notification.
- (3) Where premises have been specified under the foregoing provisions of this Schedule for the carrying out of the deferred test, and the test can conveniently be carried out on those premises, it shall be carried out there.
- (4) Where the last foregoing sub-paragraph does not apply, the place for carrying out the deferred test shall be such place as may be notified with the notification of the time for the carrying out of the test, and where an area has been specified as aforesaid the place shall be a place in that area.
- (5) Notwithstanding the foregoing provisions of this paragraph, the time and place for the carrying out of the deferred test may be varied by agreement between an authorised examiner and the owner of the vehicle.
- (6) In this paragraph " notified " means notified in writing to the owner of the vehicle on behalf of the Minister, and " notification " shall be construed accordingly ; and any notification under this paragraph may be given by post.
- 4       It shall be the duty of the owner of the vehicle to produce it, or secure its production, at the time and place fixed for the carrying out of the deferred test.
- 5       References in this Schedule to the owner of a vehicle are references to the owner thereof at the time at which the election is made under subsection (3) of section sixty-seven of this Act that the test should be deferred, and for the purposes of this Schedule—
- (a) if at that time the vehicle is in the possession of a person under a hire-purchase agreement or hiring agreement and the case is not one falling within the next following sub-paragraph, that person,
- (b) if at that time the vehicle is being used under an international circulation permit, the person to whom the permit was issued,

shall be deemed to be the owner of the vehicle to the exclusion of any other person.

## NINTH SCHEDULE

Section 75.

### TRAVELLING, &C, ALLOWANCES FOR ATTENDANCE AT ROAD SAFETY CONFERENCES

- 1 (1) Where arrangements made by a local authority under subsection (2) of section seventy-five of this Act include the setting up of a road safety committee, then if the committee is designated for the purposes of this Schedule by or under regulations made under section one hundred and seventeen of the Local Government Act, 1948 (which provides for the making of regulations for administering the provisions of Part VI of that Act as to the payment of allowances) the following provisions shall have effect.
  - (2) Attendance as a representative of the road safety committee, or of a local or other authority, at a conference or meeting relating to road safety and designated by or under such regulations as aforesaid shall, subject to any conditions or restrictions prescribed by such regulations, be an approved duty for the purposes of the said Part VI.
  - (3) A member of the road safety committee who is not, and apart from this paragraph is not for the purposes of the said Part VI to be deemed to be, a member of a local or other authority shall, in relation to any such attendance as is mentioned in the last foregoing sub-paragraph, be treated for the said purposes as a member of such local or other authority concerned with the setting up of the committee as may agree so to treat him or as the appropriate Minister may determine.
- 2 Expenditure incurred by a local or other authority in the payment of travelling allowances or subsistence allowances in respect of attendances which are approved duties by virtue of sub-paragraph (2) of the last foregoing paragraph shall be treated for the purposes of subsection (2) of section seventy-five of this Act as part of the cost of the arrangements under which the road safety committee was set up.
- 3 In this Schedule " local or other authority " means a body to which Part VI of the Local Government Act, 1948, applies, and " road safety committee " means a committee or other body set up to act for the purposes of section seventy-five of this Act.

## TENTH SCHEDULE

Section 85.

### PROCEDURE FOR ORDERS DESIGNATING PARKING PLACES ON HIGHWAYS WHERE CHARGES ARE MADE

#### PART I

##### ORDERS MADE ON LOCAL AUTHORITY APPLICATION

- 1 Before applying for a designation order a local authority shall consult with the chief officer of police.

- 2 (1) On applying for a designation order a local authority shall publish in the London Gazette and in at least one newspaper circulating in the locality an advertisement—
- (a) stating the general effect of the proposed order, the whereabouts of the parking places to be designated thereby, the classes or descriptions of vehicles for which they are to be designated, the charges to be made for use of the parking places, and the provisions of the proposed order as to the times when the parking places may be used;
  - (b) specifying a place or places where a copy of the proposed order, and a plan showing the precise location of the parking places to be designated, may be inspected at reasonable times specified in the advertisement during a period so specified of not less than twenty-eight days from the publication or first publication of the advertisement;
  - (c) stating that any person wishing to object to the making of the order may do so by sending to the Minister, within the said period, notice in writing of his objection stating the grounds thereof.
- (2) On applying for a designation order a local authority shall take such other steps as appear to the authority reasonably practicable for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, as the occupiers of land adjacent to the parking places, information as to the matters specified in heads (a) to (c) of the foregoing sub-paragraph.
- (3) Where on the expiration of the period specified in the advertisement under sub-paragraph (1) of this paragraph it appears to the Minister that, before the application is further dealt with, the local authority should take further steps for the purpose mentioned in the last foregoing sub-paragraph, he may direct the authority to take such further steps for that purpose as he may specify, and if he does so the period within which a copy of the order and plan may be inspected, and objections may be made, shall be deemed to be extended by such time as the Minister may direct.
- 3 On such an application as aforesaid the Minister shall, after the period for objecting to the making of the order has expired, refer the application, together with any objection duly made, to the London and Home Counties Traffic Advisory Committee (hereafter in this Schedule referred to as "the Advisory Committee"), and the Advisory Committee shall consider the application and any objections duly made thereto and report to and advise the Minister thereon; and the Minister shall consider their report and advice.
- 4 After compliance with the provisions of the last foregoing paragraph the Minister may make an order, either as applied for or with such modifications as he thinks fit:
- Provided that where the local authority applying for the order is not the highway authority he shall not make the order except with the consent of the highway authority.
- 5 (1) In relation to an application made, by virtue of an order under subsection (8) or (9) of section eighty-five of this Act, for an order under that section designating a parking place outside the London Traffic Area, the foregoing provisions of this Schedule shall have effect subject to the following modifications.
- (2) Paragraph 3 shall not apply, and—
- (a) the Minister shall, after the period for objecting to the making of the order has expired, consider the application and any objections duly made thereto and may hold a public inquiry;

- (b) paragraph 4 shall apply with the substitution of a reference to head (a) of this sub-paragraph for the reference to the said paragraph 3.
- (3) In relation to an application relating to a parking place in Scotland paragraph 2 shall have effect with the substitution for the reference to the London Gazette of a reference to the Edinburgh Gazette.

## PART II

### ORDERS MADE WITHOUT LOCAL AUTHORITY APPLICATION

- 6 Before making an order by virtue of subsection (5) of section eighty-five of this Act the Minister shall publish in the London Gazette and in at least one newspaper circulating in the locality an advertisement stating and specifying the matters set out in heads (a) to (c) of sub-paragraph (1) of paragraph 2 of this Schedule, and shall take such other steps as appear to the Minister reasonably practicable for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, as the occupiers of land adjacent to the parking places, information as to those matters.
- 7 Where the Minister has in pursuance of the last foregoing paragraph advertised a proposal to make an order, then after the period for objecting to the making of the order has expired the Minister shall refer the proposal, together with any objection duly made, to the Advisory Committee, and that Committee shall consider the proposal and any objections duly made thereto and report to and advise the Minister thereon; and the Minister shall consider their report and advice.
- 8 After compliance with the provisions of the last foregoing paragraph the Minister may make an order, either as proposed or with such modifications as he thinks fit.

## PART III

### PROVISIONS AS TO INQUIRIES

- 9 For the purposes of paragraph 3 or 7 of this Schedule the Minister may require the Advisory Committee to cause an inquiry to be held under section thirty-three of this Act or if the Advisory Committee do not hold an inquiry may himself do so.

## ELEVENTH SCHEDULE

Sections 104 and 111, and 19th Sch.

### OFFENCES INVOLVING DISQUALIFICATION FOR HOLDING OR OBTAINING, OR ENDORSEMENT OF, LICENCES UNDER PART II OR BOTH

Offence	Limitation of Disqualification	Obligatory Disqualification	Obligatory Endorsement
1. Manslaughter, or in Scotland, culpable homicide, by the driver of a motor vehicle.	—	—	—

*Status: This is the original version (as it was originally enacted).*

Offence	Limitation of Disqualification	Obligatory Disqualification	Obligatory Endorsement
2. Causing the death of a person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public (section one of this Act).	—	—	—
3. An offence under section thirty-five of the Offences against the Person Act, 1861 (injuring persons by wanton or furious driving), committed by a person having charge of a motor vehicle.	—	—	—
4. Driving a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public (section two of this Act).	—	Second or subsequent conviction involves obligatory disqualification unless the court, by reason of three years or more having elapsed since previous or last previous conviction or for any other special reason, thinks fit to order otherwise; period of disqualification to be nine months unless more than three years have elapsed since last conviction.	Conviction involves obligatory endorsement.
5. Driving a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road (section three of this Act).	Disqualification not to exceed one month on first conviction, but conviction of offence specified in paragraph 4 within three years next before date of conviction of offence specified in this paragraph to count as	—	Conviction involves obligatory endorsement unless the court, for any special reason, thinks fit to order otherwise.



Offence	Limitation of Disqualification	Obligatory Disqualification	Obligatory Endorsement
6. Driving or attempting to drive a motor vehicle on a road or other public place when unfit to drive through drink or drugs (subsection (1) of section six of this Act).	previous conviction of the last-mentioned offence.	Conviction involves obligatory disqualification for a period of twelve months from the date of the conviction unless the court, for special reasons, thinks fit to order otherwise.	—
7. Being, when in charge of a motor vehicle which is on a road or other public place, but not driving the vehicle, unfit to drive through drink or drugs (subsection (2) of section six of this Act).	—	Second or subsequent conviction, or conviction after previous conviction of offence specified in paragraph 6, involves obligatory disqualification for a period of twelve months from the date of the conviction unless the court, for special reasons, thinks fit to order otherwise.	—
8. Promoting or taking part in a race or trial of speed between motor vehicles on a public highway (section seven of this Act).	—	Conviction involves obligatory disqualification for a period of twelve months from the date of the conviction unless the court, for special reasons, thinks fit to order otherwise.	—
9. Driving a two-wheeled motor cycle with more than one person carried on it in addition to the driver or with an additional person carried otherwise than astride the cycle and on a proper seat	—	—	—

*Status: This is the original version (as it was originally enacted).*

Offence	Limitation of Disqualification	Obligatory Disqualification	Obligatory Endorsement
securely fixed to the cycle behind the driver's seat (section eight of this Act).	—	—	—
10. Causing or permitting a motor vehicle or a trailer drawn thereby to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road (section sixteen of this Act).	—	—	—
11. An offence in respect of a motor vehicle under subsection (5) of section forty-six of this Act.	—	—	—
12. An offence in respect of a motor vehicle under subsection (2) of section forty-eight of this Act.	No disqualification on first or second conviction.	—	—
13. An offence in respect of a motor vehicle under subsection (6) of section forty-nine of this Act.	—	—	---
14. Using on a road at any time, or causing or permitting to be so used, a motor vehicle to which section sixty-six of this Act applies and as respects which no test certificate has been issued within the appropriate period (within the meaning	—	—	—

Offence	Limitation of Disqualification	Obligatory Disqualification	Obligatory Endorsement
<p>of that section) before the said time (subsection (1) of section sixty-six of this Act).</p>			
<p>15. Driving, or causing or permitting a person to drive, a motor vehicle in contravention of the provisions of this Act relating to the minimum age for driving motor vehicles of different classes and descriptions (section ninety-seven of this Act.)</p>	—	—	—
<p>16. Driving on a road a motor vehicle of any class or description without being the holder of a licence under Part II of this Act authorising the driver to drive a motor vehicle of that class or description (subsection (1) of section ninety-eight of this Act), or employing to drive on a road a motor vehicle of any class or description a person who is not the holder of such a licence authorising him to drive a motor vehicle of that class or description (subsection (2) of section ninety-eight of this Act).</p>	—	—	—
<p>17. Failure to comply with any of the conditions</p>	—	—	—

*Status: This is the original version (as it was originally enacted).*

Offence	Limitation of Disqualification	Obligatory Disqualification	Obligatory Endorsement
subject to which a provisional licence is granted under section one hundred and two of this Act (subsection (3) of section one hundred and two of this Act).			
18. Applying for, or obtaining, a licence under Part II of this Act while disqualified for holding or obtaining such a licence, or while so disqualified, driving on a road a motor vehicle or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, so driving a motor vehicle of that class or description (section one hundred and ten of this Act).	—	—	—
19. Driving on a road a heavy goods vehicle (within the meaning of Part V of this Act) without being licensed for the purpose under that Part or licensed under Part III of this Act to drive all types of single-deck public service vehicles, or employing a person who is not so licensed to drive on a road a heavy goods vehicle (within the meaning of the said Part V) (subsection (2) of section one hundred	—	—	—

Offence	Limitation of Disqualification	Obligatory Disqualification	Obligatory Endorsement
and ninety-two of this Act).			
20. Using, or causing or permitting the use of, a motor vehicle on a road without there being in force in relation to the use of the vehicle such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of Part VI of this Act (subsection (1) of section two hundred and one of this Act).	—	—	—
21. Taking and driving away a motor vehicle without having either the consent of the owner thereof or other lawful authority (subsection (1) of section two hundred and seventeen of this Act).	—	—	—
22. Driving a motor vehicle on a road at a speed exceeding a statutory speed limit.	No disqualification on first or second conviction.	—	Conviction involves obligatory endorsement unless the court, for any special reason, thinks fit to order otherwise.
23. An offence in respect of a motor vehicle under the Road Transport Lighting Act, 1957.	—	—	—
24. An offence under any statutory provision, committed in respect of a motor vehicle, being an offence— (a) of failure to conform to	—	—	—

*Status: This is the original version (as it was originally enacted).*

Offence	Limitation of Disqualification	Obligatory Disqualification	Obligatory Endorsement
<p>the indication given by a traffic sign or to comply with a direction given by a police constable, or</p> <p>(b) of failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, or</p> <p>(c) of using a vehicle on a road, or causing or permitting a vehicle to be so used, so as, by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load, to cause, or to be likely to cause, danger, and in particular (but without prejudice to the generality of this subparagraph), of contravening any requirement as to brakes, steering gear or tyres or any other</p>			

Offence requirement prescribed under subsection (1) of section sixty- five of this Act.	Limitation of Disqualification	Obligatory Disqualification	Obligatory Endorsement
--	-----------------------------------	--------------------------------	---------------------------

## TWELFTH SCHEDULE

Sections 118, 160, 234, 240 and 247.

## CONDITIONS AFFECTING CLASSIFICATION OF PUBLIC SERVICE VEHICLES

**PART I**

## RACE MEETINGS, PUBLIC GATHERINGS, &amp;C

- 1 The journey on which the passengers are being carried must be made on the occasion of a race meeting, public gathering or other like special occasion.

**PART II**CONDITIONS RELATING TO CERTAIN JOURNEYS FOR  
VEHICLES CARRYING FOUR PASSENGERS OR LESS

- 2 The number of passengers carried must not exceed four.
- 3 The making of the agreement for the payment of separate fares must not have been initiated by the driver or by the owner of the vehicle, by the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, or by any person who receives any remuneration in respect of the arrangements for the journey:
- Provided that the agreement may have been initiated by the driver or owner if the passengers are not being carried in the course of a business of carrying passengers.
- 4 The journey must be made without previous advertisement to the public of facilities for its being made by passengers to be carried at separate fares.
- 5 The journey must not be one on which passengers are carried at separate fares frequently, or as a matter of routine, in the same vehicle or in vehicles (other than vehicles used under a road service licence) belonging to the same owner or belonging partly to one person and partly to another who is a party to a hiring agreement or hire-purchase agreement of which any of the vehicles is the subject.
- 6 The journey must not be made in conjunction with, or in extension of, a service provided under a road service licence if the vehicle is owned by, or made available under any arrangement (including a hiring agreement or hire-purchase agreement) with, the holder of the licence or any person who receives any remuneration in respect of the service provided thereunder or in respect of arrangements for that service.

---

*Status: This is the original version (as it was originally enacted).*

---

### PART III

#### PARTIES OF OVERSEAS VISITORS

- 7 Each of the passengers making the journey must have been outside Great Britain at the time of concluding his arrangements to make the journey.

### PART IV

#### ALTERNATIVE CONDITIONS AFFECTING CLASSIFICATION

- 8 Arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of,—
- (a) the holder of the public service vehicle licence in respect of the vehicle, if such a licence is in force,
  - (b) the driver or the owner of the vehicle or the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, if no such licence is in force,
- and otherwise than by any person who receives any remuneration in respect of the arrangements.
- 9 The journey must be made without previous advertisement to the public of the arrangements therefor.
- 10 All the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.
- 11 No differentiation of fares for the journey on the basis of distance or of time must be made.
- 12 In the case of a journey to a particular destination the passengers must not include any person who frequently, or as a matter of routine travels, at or about the time of day at which the journey is made, to or to the vicinity of that destination from a place from or through which the journey is made.

### PART V

#### SUPPLEMENTARY

- 13 For the purposes of paragraphs 4 and 9 of this Schedule no account shall be taken of any such advertisement as follows, that is to say,—
- (a) a notice displayed or announcement made at or in any place of worship in the manner in which notices or announcements for the information of persons attending that place of worship are normally displayed or made, or
  - (b) a notice displayed in any periodical published for the information of persons who attend a particular place of worship or a place of worship in a particular place, and circulating wholly or mainly among persons who attend or might reasonably be expected to attend there.
- 14 (1) A vehicle adapted to carry eight or more passengers shall not be treated as having been used in circumstances in which the conditions set out in Part III or Part IV of this Schedule were fulfilled unless, within such time as may be prescribed, the holder



of the public service vehicle licence in respect of the vehicle makes, or causes to be made, a record in such form as may be prescribed containing such particulars, other than particulars of fares or prices, relating to the journey and the circumstances in which it was arranged as may be prescribed.

- (2) A vehicle adapted to carry eight or more passengers shall not be treated as being used as aforesaid unless the driver of the vehicle carries a work ticket in such form and containing such particulars as may be prescribed, being particulars appearing to the Minister requisite for enabling records made under the last foregoing sub-paragraph to be traced and identified.
  - (3) The driver of a vehicle shall, on demand by a police constable in uniform or by a person authorised by the traffic commissioners, on production if so required of that person's authority, produce a work ticket carried by him under this paragraph for inspection by the constable or person authorised; and if the driver fails so to do he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
  - (4) The holder of a public service vehicle licence who has made or caused to be made such a record as aforesaid shall preserve it for a period of six months from the date on which it is made and shall, if required so to do at any time during that period, produce it for inspection by a person authorised by the traffic commissioners, on production if so required of that person's authority, and if he fails so to preserve or produce it he shall be liable on summary conviction to such punishment as is specified in the last foregoing sub-paragraph.
- 15 In this Schedule " owner ", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

## THIRTEENTH SCHEDULE

Sections 164, 190, 191 and 254.

## CASES IN WHICH CARRIER'S LICENCE NOT REQUIRED

- 1 The use of a farmer's goods vehicle within the meaning of the Vehicles (Excise) Act, 1949, where the use is for the purpose for which the vehicle must be solely used if it is to remain a farmer's goods vehicle within the meaning of that Act.
- 2 The use of a vehicle in a case where the excise duty in respect of the vehicle under the Vehicles (Excise) Act, 1949, is chargeable at the rate applicable to vehicles specified in paragraph (a) of subsection (2) of section four of that Act, and the use is for one of the purposes for which the vehicle must be solely used if the duty is to remain chargeable at that rate.
- 3 The use of a trailer drawn by such a vehicle as is mentioned in paragraph 1 of this Schedule, where the trailer is being used for the purpose mentioned in that paragraph, or the use of a trailer drawn by a vehicle used in the circumstances mentioned in paragraph 2 of this Schedule, where the trailer is being used for one of the purposes mentioned in that paragraph.
- 4 The use for a purpose other than the carriage of goods for hire or reward of a trailer drawn by a vehicle constructed solely for the carriage of not more than seven passengers, exclusive of the driver, and their effects.

---

*Status: This is the original version (as it was originally enacted).*

---

- 5 The use of a public service vehicle as a stage carriage, express carriage, or contract carriage in pursuance of a licence granted under Part III of this Act.
- 6 The use of a vehicle which is a hackney carriage within the meaning of the Vehicles (Excise) Act, 1949, as such a carriage.
- 7 The use of a vehicle for the purposes of funerals.
- 8 The use by a local authority, or a person acting in pursuance of a contract with a local authority, of a vehicle for road cleansing, road watering or the collection or disposal of refuse, night-soil or the contents of cesspools, or for the purposes of the enactments relating to weights and measures or the sale of food and drugs.
- 9 The use of a vehicle for police, fire brigade or ambulance purposes.
- 10 The use of a vehicle for towing a disabled motor vehicle, or for removing goods from a disabled vehicle to a place of safety.
- 11 The use of a vehicle under the provisions of section seventy-two of the Mines and Quarries Act, 1954 (which makes provision as to fire-fighting and rescue operations at mines).
- 12 The use of a vehicle for any purpose specified in regulations or the use of a vehicle of any class or description specified in regulations for any purpose or for any purpose so specified.

FOURTEENTH SCHEDULE    Sections 173, 178, 180 and 191 and 19th  
 Sch.

CONVICTIONS, &C, RELEVANT FOR PURPOSES OF SECTIONS 173 AND 178

- 1 A conviction, in relation to an authorised vehicle, of the holder of the licence or a servant or agent of his of contravening or failing to comply with any statutory provision (however expressed) relating to—
  - (a) the maintenance of vehicles in a fit and serviceable condition, or
  - (b) limits of speed and weight, laden and unladen, and the loading of goods vehicles, or
  - (c) the time for which drivers of such vehicles as are regulated by section seventy-three of this Act may remain continuously on duty and the hours which they are to have for rest, or
  - (d) the keeping by holders of licences under Part IV of this Act of records as to hours Of work, journeys, loads and other matters.
- 2 A prohibition of the use of an authorised vehicle under section one hundred and eighty-four of this Act.

FIFTEENTH SCHEDULE

Sections 198 and 199.

TRANSITIONAL PROVISIONS RELATING TO LICENCES TO DRIVE HEAVY GOODS VEHICLES

- 1 On the first application for a heavy goods vehicle driver's licence made, on or after the day of the making of the order appointing a day for the purposes of section one hundred and ninety-two of this Act, by a person who satisfies the licensing authority

*Status: This is the original version (as it was originally enacted).*

- that in the course of the year ending on the first-mentioned day he has been during any period or periods of, or amounting in the aggregate to, six months, in the habit of driving a heavy goods vehicle, and on payment of the fee prescribed for the purposes of section one hundred and ninety-six of this Act, the licensing authority shall grant the licence, and the provisions of subsection (2) of section one hundred and ninety-three of this Act shall not apply in relation to such an application.
- 2 On the first application for a heavy goods vehicle driver's licence by a person who satisfies the licensing authority that in the course of the year ending on the first day of April, nineteen hundred and thirty-four, he had been during any period or periods of, or amounting in the aggregate to, six months, in the habit of driving a heavy goods vehicle (other than a person who at any time held a licence to drive such a vehicle granted under section thirty-one of the Road Traffic Act, 1934, by virtue of subsection (6) of that section), and on payment of the fee prescribed for the purposes of section one hundred and ninety-six of this Act, the licensing authority shall grant the licence and the provisions of subsection (2) of section one hundred and ninety-three of this Act shall not apply in relation to such an application.
- 3 Subsection (1) of section one hundred and ninety-two of this Act shall not have effect as respects—
- (a) the driving of a heavy goods vehicle of any class by a person who, at the beginning of the appointed day, is the holder of a licence granted under Part II of this Act authorising him to drive a heavy goods vehicle of that class, or
  - (b) the employment, to drive a heavy goods vehicle of any class, of a person who at the beginning of the appointed day is the holder of such a licence authorising him to drive a heavy goods vehicle of that class,
- so long as (in either case) the licence in question remains in force.
- 4 With a view to spreading the work of granting heavy goods vehicle drivers' licences the licensing authority may, on an application for a licence made within the period of four years beginning with the day of the making of the order appointing a day for the purposes of section one hundred and ninety-two of this Act, direct that any licence granted on the application, other than a licence issued as a provisional licence, shall, notwithstanding the provisions of subsection (4) of section one hundred and ninety-three of this Act, continue in force (unless previously revoked) during such period, being a period of not less than one nor more than three years from the date on which the licence is expressed to take effect, as the licensing authority may at the time of the granting of the licence determine.

## SIXTEENTH SCHEDULE

Section 221.

### SUPPLEMENTARY PROVISIONS IN CONNECTION WITH PROCEEDINGS FOR OFFENCES UNDER SECTION 221

- 1 (1) A person against whom proceedings are brought in England or Wales for an offence under section two hundred and twenty-one of this Act (hereinafter referred to as "the principal section") shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of that section was due brought before the court in the proceedings; and if, after the contravention has been proved, the original accused proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence,

---

*Status: This is the original version (as it was originally enacted).*

---

and, if the original accused further proves that he has used all due diligence to secure that that section was complied with, he shall be acquitted of the offence.

- (2) Where an accused seeks to avail himself of the provisions of the foregoing sub-paragraph—
- (a) the prosecution, as well as the person whom the accused charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence;
  - (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.
- (3) Where it appears that an offence under the principal section has been committed in respect of which proceedings might be taken in England or Wales against some person (hereinafter referred to as " the original offender "), and a person proposing to take proceedings in respect of the offence is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person, being an act or default which took place in England or Wales, and that the original offender could establish a defence under sub-paragraph (1) of this paragraph, the proceedings may be taken against that other person without proceedings' first being taken against the original offender.

In any such proceedings the accused may be charged with, and on proof that the contravention was due to his act or default be convicted of, the offence with which the original offender might have been charged.

- 2 (1) Where proceedings are brought in England or Wales against a person (hereafter in this paragraph referred to as " the accused ") in respect of a contravention of the principal section, and it is proved—
- (a) that the contravention was due to the act or default of some other person, being an act or default which took place in Scotland, and
  - (b) that the accused used all due diligence to secure compliance with that section,
- the accused shall, subject to the provisions of this paragraph, be acquitted of the offence.
- (2) The accused shall not be entitled to be acquitted under this paragraph unless within seven days from the date of the service of the summons on him he has given notice in writing to the prosecution of his intention to rely upon the provisions of this paragraph, specifying the name and address of the person to whose act or default he alleges that the contravention was due, and has sent a like notice to that person.
- (3) The person specified in a notice served under this paragraph shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.
- (4) Where it is proved that the contravention of the principal section was due to the act or default of some person other than the accused, being an act or default which took place in Scotland, the court shall (whether or not the accused is acquitted) cause notice of the proceedings to be sent to the Minister.
- 3 (1) Where a contravention of the principal section committed by a person in Scotland was due to an act or default of any other person, being an act or default which took place in Scotland, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with and convicted of the contravention and shall be liable on conviction to the same punishment as might

---

*Status: This is the original version (as it was originally enacted).*

---

- have been inflicted on the first-mentioned person if he had been convicted of the contravention.
- (2) Where a person who is charged in Scotland with a contravention of the principal section proves to the satisfaction of the court that he has used all due diligence to secure that the provision in question was complied with and that the contravention was due to the act or default of some other person, the first-mentioned person shall be acquitted of the contravention.
- 4 (1) Subject to the provisions of this paragraph, in any proceedings (whether in England or Wales or Scotland) for an offence under the principal section it shall be a defence for the accused to prove—
- (a) that he purchased the helmet in question as being of a type which under the principal section could be lawfully sold or offered for sale, and with a written warranty to that effect, and
  - (b) that he had no reason to believe at the time of the commission of the alleged offence that it was not of such a type, and
  - (c) that it was then in the same state as when he purchased it.
- (2) A warranty shall only be a defence in any such proceedings if—
- (a) the accused—
    - (i) has, not later than three clear days before the date of the hearing, sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and
    - (ii) has also sent a like notice of his intention to that person, and
  - (b) in the case of a warranty given by a person resident outside the United Kingdom, the accused proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein.
- (3) Where the accused is a servant of the person who purchased the helmet in question under a warranty, he shall be entitled to rely on the provisions of this paragraph in the same way as his employer would have been entitled to do if he had been the accused.
- (4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.
- 5 (1) An accused who in any proceedings for an offence under the principal section wilfully applies to a helmet a warranty not given in relation to that helmet shall be guilty of an offence.
- (2) A person who, in respect of a helmet sold by him, being a helmet in respect of which a warranty might be pleaded under the last foregoing paragraph, gives to the purchaser a false warranty in writing, shall be guilty of an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained therein were accurate.
- (3) A person guilty of an offence under this paragraph shall be liable on summary conviction to the like penalties as under the principal section.
- (4) Where the accused in a prosecution for an offence under the principal section relies successfully on a warranty given to him or to his employer, any proceedings under sub-paragraph (2) of this paragraph in respect of the warranty may, at the option of the prosecutor, be taken either before a court having jurisdiction in the place where

---

*Status: This is the original version (as it was originally enacted).*

---

the helmet, or any of the helmets, to which the warranty relates was procured, or before a court having jurisdiction in the place where the warranty was given.

## SEVENTEENTH SCHEDULE

Sections 264 and 265.

### AMENDMENTS OF OTHER ACTS

#### *The Roads and Bridges (Scotland) Act, 1878*

*(41 & 42 Vict. c. 51)*

Schedule (C) shall have effect, in relation to a vehicle to which subsection (2) of section sixty-four of this Act applies, as if in section XCVT (penalties for persons committing various nuisances on highways) the words " or more than one foot laterally beyond the wheel of such carriage ", and section CVTII, were omitted.

#### *The Burgh Police (Scotland) Act, 1892*

*(55 & 56 Vict. c. 55)*

Paragraph (50) of section three hundred and eighty-one (which provides for the labelling of carriages and carts) shall not have effect in relation to vehicles to which subsection (2) of section sixty-four of this Act applies.

#### *The Road Traffic Act, 1930*

*(20 & 21 Geo. 5. c. 43)*

After subsection (1) of section one hundred and twenty-one (interpretation) there shall be inserted the following subsection:—

“(1A) References in this Act to public service vehicles, contract carriages and the London Traffic Area shall be construed in like manner as if they were contained in the Road Traffic Act, 1960.”.

#### *The London Passenger Transport Act, 1933*

*(23 & 24 Geo. 5. c. 14)*

In subsection (2) of section sixteen and subsection (3) of section seventeen (penalties for carrying passengers contrary to those sections), for the words "he shall be guilty of an offence under the Road Traffic Act, 1930" there shall be substituted the words " he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months ; and any sum paid to the Secretary of State under section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine imposed in respect of an offence under this subsection shall be deemed to be Exchequer moneys within the meaning of that section. ",

After subsection (1) of section one hundred and seven (interpretation) there shall be inserted the following subsection:—

---

*Status: This is the original version (as it was originally enacted).*

---

“(1A) References in this Act to public service vehicles, stage carriages, express carriages, contract carriages and the London Traffic Area shall be construed in like manner as if they were contained in the Road Traffic Act, 1960.”.

*The Civil Defence Act, 1939*  
(2 & 3 Geo. 6. c. 31)

In subsection (1) of section eight (power of local authorities to construct underground car-parks suitable for use as air-raid shelters), for the words " section sixty-eight of the Public Health Act, 1925, or under section twenty of the Restriction of Ribbon Development Act, 1935 " there shall be substituted the words " section eighty-one or eighty-two of the Road Traffic Act, 1960, ".

*The Local Government (Scotland) Act, 1947*  
(10 & 11 Geo. 6. c. 43)

The following entry shall be added to the Sixth Schedule

“Sections 81 (13), 83 (9) and 261 (2) of the Road Traffic Act, 1960.	Such period as the Secretary of State may fix”.
--	---

*The Transport Act, 1947*  
(10 & 11 Geo. 6. c. 49)

In subsection (2) of section one hundred and twenty-five (interpretation) for the words from " expressions used in Part III" to the end there shall be substituted the words " references in this Act to public service vehicles, express carriages, stage carriages, tramcars and trolley vehicles shall be construed in like manner as if they were contained in the Road Traffic Act, 1960. ".

In paragraph 5 of the Tenth Schedule (provisions as to the Transport Tribunal) the reference to the jurisdiction conferred on the Transport Tribunal by the Act shall be construed as including a reference to jurisdiction conferred on them by Part IV of this Act and, in sub-paragraph (1) of paragraph 6 of that Schedule, after the words " Court of Session" there shall be inserted the words " or by virtue of any jurisdiction conferred on them by Part IV of the Road Traffic Act, 1960. ".

*The Transport Act, 1953*  
(1 & 2 Eliz. 2. c. 13)

In section eleven (regulations for carrying into effect preceding provisions as to disposal of British Transport Commission's road haulage undertaking),—

- (a) in subsection (1), for the words " The power of the Minister under section twenty-five of the Road and Rail Traffic Act, 1933, to make regulations for the purpose of carrying Part I of that Act into effect", there shall be substituted the words " The power of the Minister under section one hundred and ninety of the Road Traffic Act, 1960, to make regulations for the purpose of carrying Part IV of that Act into effect", and for the words " Part I", where last occurring, there shall be substituted the words " Part IV " ;
- (b) in subsection (2), for the words " section thirty-four of the Road and Rail Traffic Act, 1933 ", there shall be substituted the words " sections two hundred and thirty-three and two hundred and thirty-seven of the Road Traffic Act, 1960 ".

---

*Status: This is the original version (as it was originally enacted).*

---

In subsection (3) of section thirty-five (interpretation), for the words "expressions have the same meanings as in the Road Traffic Act, 1930", there shall be substituted the words "references to public service vehicles and contract carriages shall be construed in like manner as if they were contained in the Road Traffic Act, 1960".

Any reference in the First Schedule (rights of obtaining licences for five years for goods vehicles free of charge) to the giving of directions under subsection (3) of section thirteen of the Road and Rail Traffic Act, 1933, shall be construed as a reference to the giving of directions under section one hundred and seventy-eight of this Act for the curtailment of a licence.

*The Local Government (Miscellaneous Provisions) Act, 1953*

*(1 & 2 Eliz. 2. c. 26)*

In subsection (4) of section four (provision of omnibus shelters, &c.) for the words from "and 'public service vehicle'" to the end there shall be substituted the words "and the references to public service vehicles shall be construed in like manner as if they were contained in the Road Traffic Act, 1960, it being assumed that so much of subsection (1) of section one hundred and seventeen of that Act as excludes tramcars and trolley vehicles were omitted".

*The Post Office Act, 1953*

*(1 & 2. Eliz. 2. c. 36)*

After subsection (1) of section eighty-seven (interpretation) there shall be inserted the following subsection:—

“(1A) In the application of this Act to Great Britain, references to public service vehicles shall be construed in like manner as if they were contained in the Road Traffic Act, 1960.”.

*The Transport Charges &c. (Miscellaneous Provisions) Act, 1954*

*(2 & 3 Eliz. 2. c. 64)*

In subsection (1) of section thirteen (interpretation) for the words from "and 'public service vehicle'" to the end there shall be substituted the words "and references to public service vehicles, road service licences and trolley vehicles shall be construed in like manner as if they were contained in the Road Traffic Act, 1960. ".

*The Road Transport Lighting Act, 1957*

*(5 & 6 Eliz. 2. c. 51)*

At the end of section thirteen (regulations) there shall be added the following subsection:—

“(3) Before making any regulations under this Act the Minister shall consult with such representative organisations as he thinks fit.”.

*The Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act, 1958*

*(6 & 7 Eliz. 2. c. 50)*

In subsection (1) of section seven (interpretation) the definition of "public service vehicle" shall be omitted and there shall be added at the end of that subsection the words "and the references to public service vehicles shall be construed in like manner as if they were contained in the Road



*Status: This is the original version (as it was originally enacted).*

Traffic Act, 1960, it being assumed that so much of subsection (1) of section one hundred and seventeen of that Act as excludes tramcars and trolley vehicles were omitted. "

*The Highways Act, 1959*

*(7 & 8 Eliz. 2. c. 25)*

In subsection (1) of section nineteen (certain trunk roads to be treated as special roads), for the words " the Special Roads Act, 1949 (except subsection (2) of section nine)" there shall be substituted the words " subsection (4) of section nine of the Special Roads Act, 1949 ".

After subsection (4) of section two hundred and ninety-five (interpretation) there shall be inserted the following subsection:—

“(4A) References in this Act to the London Traffic Area shall be construed in like manner as if they were contained in the Road Traffic Act, 1960.”.

EIGHTEENTH SCHEDULE Sections 267 and 19th and 20th Sch.

REPEALS AND REVOCATIONS

**PART I**

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 5. c. 34.	The London Traffic Act, 1924.	The whole Act.
15 & 16 Geo.5. c. 71.	The Public Health Act, 1925.	Section sixty-eight.
20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	Sections one to fifty. In section fifty-seven, subsections (3) to (5). Section fifty-nine. In section sixty, paragraph (a). Part IV. In section one hundred and eight, subsection (2). In section one hundred and ten, the words " within the meaning of the London Traffic Act, 1924 " . Sections one hundred and eleven and one hundred and twelve.

*Status: This is the original version (as it was originally enacted).*

Session and Chapter	Short Title	Extent of Repeal
21 & 22 Geo. 5. c. 32.	The Road Traffic (Amendment) Act, 1931.	<p>In section one hundred and thirteen, in subsection (2), the words " for which no special penalty is provided and subsection (3).</p> <p>Section one hundred and sixteen.</p> <p>In section one hundred and seventeen, the words from " or the regulations made thereunder " to " this Act ".</p> <p>In section one hundred and nineteen, subsection (1), in subsection (3), the words from " or of section one hundred and twenty " to the end, subsections (5) and (6), in subsection (8), the words from " provided that" to the end, and subsection (10).</p> <p>Section one hundred and twenty.</p> <p>In section one hundred and twenty-one, in subsection (1), the definitions of " tramcar ", " owner ", " driver ", " prescribed ", " bridge authority ", " police authority ", " chief officer of police", " police fund" and " salvage", and subsection (2).</p> <p>Section one hundred and twenty-two.</p> <p>The Schedules.</p> <p>The whole Act.</p>
23 & 24 Geo. 5. c. 14.	The London Passenger Transport Act, 1933.	<p>In section fifty-one, subsection (2), in subsection (4), the words from " (b) that as regards " to " transferred to the said Commissioner of Police ", in subsection (5), paragraph (a), subsection (6) and, in subsection (7), the words " public service vehicles ".</p>

*Status: This is the original version (as it was originally enacted).*

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 53.	The Road and Rail Traffic Act, 1933.	<p>Sections fifty-two, fifty-three, fifty-seven and fifty-eight.</p> <p>In section fifty-nine, in subsection (1), paragraph (a), in paragraph (c) the word " either ", the words " the Act of 1924 or ", and the words from " The provisions " onwards.</p> <p>Sections sixty, sixty-one, sixty-three and sixty-four.</p> <p>In section one hundred and seven, in subsection (1), in the definition of " Advisory Committee ", the words from " as constituted" to the end, and the definitions of "London Traffic Area ", " public service vehicle ", " express carriage " contract carriage " and " stage carriage ".</p> <p>The Eleventh, Twelfth and Thirteenth Schedules.</p>
24 & 25 Geo. 5. c. 50.	The Road Traffic Act, 1934.	<p>Part I.</p> <p>The First Schedule.</p> <p>Sections one to twenty-two.</p> <p>Sections twenty-six to thirty-eight.</p> <p>In section forty-one, paragraphs (1) to (7) and (9) to (12).</p> <p>In section forty-two, in subsection (1), the words " and shall be" onwards, and subsection (2).</p> <p>The First and Second Schedules.</p> <p>The Third Schedule, except the entries therein relating to subsection (2) of section fifty-seven, and to section one hundred and seven, of the Road Traffic Act, 1930.</p>

*Status: This is the original version (as it was originally enacted).*

Session and Chapter	Short Title	Extent of Repeal
25 & 26 Geo. 5. c. 47.	The Restriction of Ribbon Development Act, 1935.	Section sixteen.  In section twenty, subsection (2).  In section twenty-three, in subsection (2), the words from " and for the purposes " to the end.  In section twenty-five, in paragraph (2), the words " for any reference to section sixty-eight of the Public Health Act, 1925, there shall be substituted a reference to section one hundred and twenty of the Road Traffic Act, 1930 ", and paragraph (9).
26 Geo. 5. & 1 Edw. 8. c. 23.	The Road Traffic (Driving Licences) Act, 1936.	The whole Act.
1 Edw. 8. & 1 Geo. 6. c. 5.	The Trunk Roads Act, 1936.	In the Second Schedule, the entries relating to sections forty-seven and forty-eight of the Road Traffic Act, 1930, and section thirty of the Road and Rail Traffic Act, 1933.  In the Third Schedule, in Part I, the entries relating to section forty-six of the Road Traffic Act, 1930, and sections one and eighteen of the Road Traffic Act, 1934.
1 Edw. 8 & 1 Geo. 6. c. 44.	The Road Traffic Act, 1937.	The whole Act.
1 Edw. 8. & 1 Geo. 6. c. 52.	The Chairmen of Traffic Commissioners, &c. (Tenure of Office) Act, 1937.	Section one.
1 & 2 Geo. 6. c. 37.	The Street Playgrounds Act, 1938.	The whole Act.
1 & 2 Geo. 6. c. 44.	The Road Haulage Wages Act, 1938.	In section seven, subsection (4).
1 & 2 Geo. 6. c. 48.	The Criminal Procedure (Scotland) Act, 1938.	Section seven.
2 & 3 Geo. 6. c. 31.	The Civil Defence Act, 1939.	In section ninety-one, subsection (6).

*Status: This is the original version (as it was originally enacted).*

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 13.	The Finance (No. 2) Act, 1945.	Section five.
9 & 10 Geo. 6. c. 26.	The Emergency Laws (Transitional Provisions) Act, 1946.	In the Second Schedule, the entries relating to the Road and Rail Traffic Act, 1933, and the Road Traffic Act, 1934.
9 & 10 Geo. 6. c. 28.	The Assurance Companies Act, 1946.	The whole Act.
9 & 10 Geo. 6. c. 30.	The Trunk Roads Act, 1946.	In section three, subsection (1).
9 & 10 Geo. 6. c. 81.	The National Health Service Act, 1946.	In the Tenth Schedule, the paragraph relating to the Road Traffic Acts, 1930 and 1934.
10 & 11 Geo. 6. c. 8.	The Road Traffic (Driving Licences) Act, 1947	The whole Act.
10 & 11 Geo. 6. c. 27.	The National Health Service (Scotland) Act 1947.	In the Eleventh Schedule, the I paragraph relating to the Road Traffic Acts, 1930 and 1934.
10 & 11 Geo.6. c. 49.	The Transport Act, 1947.	Sections fifty-seven and seventy-three.  In section one hundred and twenty-five, subsection (2).
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act, 1948.	In section forty-one, subsection 1 (2).
12, 13 & 14 Geo. 6. c. 32.	The Special Roads Act, 1949.	Section twelve.  In section sixteen, in subsection (1), the words from " and for prescribing " to the end.
14 Geo. 6. c.24.	The Highways (Provision of Cattle-Grids) Act, 1950.	Section six.
14 Geo. 6. c. 39.	The Public Utilities Street Works Act, 1950.	In section twenty-seven, subsection (1).
15 & 16 Geo. 6. & 1 Eliz. 2. I c. 55.	The Magistrates' Courts Act, 1952.	In the Fifth Schedule, the entry relating to the Road Traffic Act, 1930.
1 & 2 Eliz. 2. c 13.	The Transport Act, 1953.	Section nine.  In section eighteen, in subsection (2), the words from the beginning to the

*Status: This is the original version (as it was originally enacted).*

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 33.	The Education (Miscellaneous Provisions) Act, 1953.	end of proviso (a), and, in subsection (4), paragraphs (b) and (c).  In section twenty-five, subsection
1 & 2 Eliz. 2. c. 36.	The Post Office Act, 1953.	I In section twelve, subsection (2).  In section eighty-seven, in subsection (1), the definition of " public service vehicle ".
1 & 2 Eliz. 2. c. 45.	The School Crossing Patrols Act, 1953.	The whole Act.
1 & 2 Eliz. 2. c. 47.	The Emergency Laws (Miscellaneous Provisions) Act, 1953.	Sections seven and eight. In section thirteen, the words " seven, eight".  In the First Schedule, paragraphs 1 and 2.
2 & 3 Eliz. 2. c. 64.	The Transport Charges, &c. (Miscellaneous Provisions) Act. 1954.	In section nine, in subsection (1), the words " public service vehicles ".
3 & 4 Eliz. 2. c. 18.	The Army Act, 1955	In section one hundred and seventy-three, the words from " and section thirty-five " to the end.
3 & 4 Eliz. 2. c. 19.	The Air Force Act, 1955	In section one hundred and seventy-three, the words from " and section thirty-five " to the end.
4 & 5 Eliz. 2. c. 6.	The Miscellaneous Financial Provisions Act, 1955.	In the First Schedule, the entry relating to the London Traffic Act. 1924, paragraphs 3 and 4 of the entry relating to the Road Traffic Act, 1930, and the entries relating to the Road and Rail Traffic Act, 1933, and the Road Traffic Act, 1934.
4 & 5 Eliz. 2. c. 67.	The Road Traffic Act, 1956.	Sections one to forty-four (except subsection (5) of section four).  Sections forty-six to fifty-one.

*Status: This is the original version (as it was originally enacted).*

Session and Chapter	Short Title	Extent of Repeal
		In section fifty-two, in subsection (1), the words " the Minister or of", subsections (2) and (3), and, in subsection (4), the words " under Part I of the Local Government Act, 1948, or " Section fifty-three. In section fifty-four, subsections (1) and (2). In section fifty-five, in subsection (1), the words from " and this Act" to the end, and subsections (3) and (4). The Schedules.
5 & 6 Eliz. 2. c. 29.	The Magistrates' Courts Act, 1957.	Section two and, in section six, in subsection (4), the word " two ".
5 & 6 Eliz. 2. c. 42.	The Parish Councils Act, 1957.	Section four. In section five, in subsection (1), the words "or any parking place" and, in subsection (4), the words "parking place (including any structure for use as a parking place) or other " and the words "parking place or other", and subsection (5).
5 & 6 Eliz. 2. c. 44.	The National Health Service (Amendment) Act, 1957.	In section one, subsection (2).
5 & 6 Eliz. 2. c. 51.	The Road Transport Lighting Act, 1957.	In section eleven, in subsection (2), the words " and for the purposes of section eight of the Road Traffic Act, 1934 " In section twelve, subsection (3). In section eighteen, subsection (4). Section twenty.
6 & 7 Eliz. 2 c. 50.	The Local Government (Omnibus Shelters and	In section seven, in subsection (1), the definition of " public service vehicle ".

*Status: This is the original version (as it was originally enacted).*

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 55.	Queue Barriers) (Scotland) Act, 1958. The Local Government Act, 1958.	In the Eighth Schedule, paragraphs 32 and 34 and, in paragraph 35, the words " and 34 ".
6 & 7 Eliz. 2. c. 64.	The Local Government and Miscellaneous Financial Provisions 1 (Scotland) Act, 1958.	In the Fourth Schedule, paragraphs 18 and 20.
7 & 8 Eliz. 2. c. 25.	The Highways Act. 1959.	In section two hundred and ninety-five, in subsection (1), the definition of " London Traffic Area "  In the Twenty-second Schedule, the entry relating to the Highways (Provision of Cattle-Grids) Act, 1950.

## PART II

### ORDERS AND REGULATIONS REVOKED

Year and Number	Short Title	Extent of Revocation
S.R. & O.1934/ 1400.	The Metropolitan Traffic Area (Drivers' and Conductors' Licences) Order, 1934.	In Article 2, the definitions of " the Metropolitan Traffic Area", "the Traffic Commissioner ", " the Act of 1930 " and " public service vehicle "  Part II.
S.R. & O.1940/ 2073 (S. 98).	The Variation of Traffic Areas (Scotland) Order, 1940.	The whole of the order.
S.I. 1955/1955	The Transfer of Functions (Roads, Bridges and Ferries) Order, 1955.	In Article 6, paragraph (3). In the First Schedule, in Part I, the entries relating to sections twenty - three, twenty - seven, thirty, forty-six, forty-seven, forty-eight and fifty-nine of the Road Traffic Act, 1930, all the entries relating to the Road and Rail Traffic Act, 1933, the Road Traffic Act, 1934,



*Status: This is the original version (as it was originally enacted).*

Year and Number	Short Title	Extent of Revocation
S.I. 1957/340	The Motor Vehicles (Variation of Speed Limit) Regulations, 1956.	the Street Playgrounds Act, 1938, and the School Crossing Patrols Act, 1953, in the entry relating to the Special Roads Act, 1949, the words " except subsection (6) of section twelve ", and in the entry relating to the Highways (Provision of Cattle-Grids) Act, 1950, the words " except subsection (2) of section six " and Part II.
S.I. 1959/1587	The Metropolitan Traffic Area (Drivers' and Conductors' Licences) Order, 1959.	The whole of the regulations.
		The whole of the order.

## NINETEENTH SCHEDULE

Section 267.

### SAVINGS AND TRANSITIONAL PROVISIONS

- 1 In so far as any order, regulation, rule, scheme, byelaw, advance, agreement, application, appointment, arrangement, declaration, determination, nomination, objection, request, specification or statement made or having effect as if made, authorisation, dispensation, licence or permit granted, approval, certificate, consent, designation, direction or notice issued, given or delivered, condition, prohibition or requirement imposed or attached, classification or backing effected, or other thing done, under an enactment repealed by this Act could have been made, granted, issued, given, delivered, imposed, attached, effected or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by section two hundred and sixty-seven of this Act, but shall have effect as if made, granted, issued, given, delivered, imposed, attached, effected or done under that corresponding provision.
- 2 Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act or to appeals against disqualifications by virtue of convictions for offences so committed or against orders made in consequence of such convictions.
- 3 Any enactment passed before the passing of this Act referring, whether specifically or by means of a general description, to an enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act, and any document made or issued before the passing of this Act or any time thereafter (whether before or after the commencement of this Act) referring, whether specifically or by means of a general description, to an enactment so repealed shall, unless the contrary intention appears, be similarly construed.

*Status: This is the original version (as it was originally enacted).*

- 4 (1) Without prejudice to paragraph 1 of this Schedule, any reference in this Act (whether express or implied) to a thing done or made or falling to be done or made, or to a thing suffered, or to an event which has occurred, under or for the purposes of or by reference to a provision of this Act shall, in so far as the context permits, be construed as including a reference to the corresponding thing done or made or falling to be done or made, to the corresponding thing suffered or, as the case may be, to the corresponding event which occurred under, or for the purposes of, or by reference to, the corresponding provision of the enactments repealed by this Act.
- (2) The foregoing sub-paragraph shall not apply to any reference in this Act to a conviction except the reference thereto in the Fourteenth Schedule to this Act.
- 5 (1) For the purpose of determining—
- (a) the punishment (by fine, imprisonment or both) which may be imposed on a person in respect of the commission by him of an offence against any provision of this Act, or
  - (b) whether such an offence committed by a person involves obligatory disqualification for holding or obtaining a licence under Part II of this Act, or
  - (c) whether the power of the court to order disqualification for holding or obtaining such a licence in consequence of the commission by a person of such an offence is excluded or subject to any limitation,
- then—
- (i) if the offence is against a provision specified in the first column of the following Table, an offence committed by that person against the provision of the Road Traffic Act, 1930 ("the 1930 Act") or the Road Traffic Act, 1956 ("the 1956 Act") specified in the second column of that Table in relation to the first-mentioned provision shall be deemed to have been committed against that provision, and
  - (ii) if the offence is against any other provision of this Act, an offence committed by that person against the corresponding provision of the enactments repealed by this Act shall be deemed to have been committed against that other provision.

TABLE

Provision of this Act	Provision of the 1930 or 1956 Act
Subsection (1) of section two.	Subsection (1) of section eleven of the 1930 Act, in its application to motor vehicles.
Subsection (1) of section three.	Subsection (1) of section twelve of the 1930 Act, in its application to motor vehicles.
Subsection (1) of section six.	Subsection (1) of section fifteen of the 1930 Act, in so far as it applied to driving or attempting to drive a motor vehicle.  Subsection (1) of section fifteen of the 1930 Act in so far as it applied to driving or attempting to drive, or being in charge of, a motor vehicle.

*Status: This is the original version (as it was originally enacted).*

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

(2) Without prejudice to the general application of the foregoing sub-paragraph to paragraphs 5 and 7 of the Eleventh Schedule to this Act, the reference in the said paragraph 5 (in the second column) to the offence specified in paragraph 4 shall be construed as including a reference to the corresponding offence under the enactments repealed by this Act, and the reference in the said paragraph 7 (in the third column) to the offence specified in paragraph 6 shall be similarly construed.

6 Where an offence, being an offence for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provision of this Act.

7 Section one hundred and six of this Act shall apply to a person disqualified, by virtue of a conviction under the enactments repealed by this Act, for holding a licence under Part I of the Road Traffic Act, 1930, as, by virtue of paragraph 4 of this Schedule, it applies to a person disqualified by an order of a court under those enactments for holding such a licence, references to the conviction and the court by which he was convicted being substituted for references respectively to the order by which the disqualification was imposed and the court by which the order was made.

8 Sections one hundred and six and one hundred and ten of this Act shall apply to a person disqualified by an order of a court under the Motor Car Act, 1903, for obtaining a licence under that Act as they apply to a person disqualified by an order

---

*Status: This is the original version (as it was originally enacted).*

---

- of a court under Part II of this Act for holding or obtaining a licence under the said Part II.
- 9 Any person appointed to an office under or by virtue of an enactment repealed by this Act shall be deemed to have been appointed to that office under or by virtue of this Act.
- 10 Any record kept under an enactment repealed by this Act shall be deemed to form part of the record kept under the corresponding provision of this Act.
- 11 Without prejudice to the generality of the foregoing provisions of this Schedule, anything done by the Minister as respects Scotland before the coming into operation of the Transfer of Functions (Roads, Bridges and Ferries) Order, 1955, being a thing done in the exercise of a function to which the entries pertaining to that Order in the third column of Part II of the last foregoing Schedule relate, shall continue to have effect as if done by the Secretary of State or by the Minister and the Secretary of State acting jointly, as the case may be.
- 12 A direction in an order made under section one of the Road Traffic Act, 1934, and in force at the commencement of this Act that a length of road is to be deemed to be, or not to be, a road in a built-up area shall have effect as if it were a direction that that length of road is to become, or (as the case may be) to cease to be, a restricted road for the purposes of section nineteen of this Act, and any reference in any Act or in an instrument (other than such an order as aforesaid) made under an enactment repealed by this Act and in force as aforesaid to a road in a built-up area shall be construed as referring to such a restricted road as aforesaid.
- 13 Any byelaw made under section one hundred and four of the Roads and Bridges (Scotland) Act, 1878, or paragraph (1) or (3) of section three hundred and eighty-five of the Burgh Police (Scotland) Act, 1892, which is in force at the commencement of this Act shall continue in force and have effect as if it were an order made under section twenty-six of this Act.
- 14 The provisions of section twenty-seven of this Act shall apply to—
- (a) orders made by the Minister under subsection (4) of section seven of the Roads Act, 1920; and
  - (b) orders made by him under section forty-six of the Road Traffic Act, 1930, before the coming into operation of section twenty-nine of the Road and Rail Traffic Act, 1933, being orders which under the said section twenty-nine would have fallen to be made by a council to which the said section forty-six applied ;
- as if they were orders made by such a council; and references in any such order as is mentioned in sub-paragraph (a) of this paragraph to heavy motor cars or to locomotives shall be construed respectively as references to heavy motor cars as defined by this Act and to heavy locomotives and light locomotives as so defined.
- 15 In so far as it relates to the London Traffic Area, an order made or having effect as if made under section forty-six of the Road Traffic Act, 1930, or subsection (4) of section twenty-nine of the Road and Rail Traffic Act, 1933, which is in force at the commencement of this Act shall have effect by virtue of this paragraph but may be revoked or varied by regulations under section thirty-four of this Act.
- 16 The validity or duration of a licence granted under Part I of the Road Traffic Act, 1930, shall not be affected by reason that, under the provisions of section forty-eight of the Road Traffic Act, 1956, the licence ought to have been granted so as to remain in force for a period other than that for which the licence was in fact granted.

- 17 The repeal by this Act of subsection (2) of section forty-six of the Road Traffic Act, 1956, shall not affect the validation effected thereby of any scheme for the establishment on a road of crossings for foot passengers, and the repeal by this Act of subsection (3) of that section shall not affect the validation effected thereby of regulations under section eighteen of the Road Traffic Act, 1934; but nothing in this paragraph shall affect any proceedings for a contravention of such regulations which were pending at the coming into operation of the said section forty-six.
- 18 Subsection (8) of section forty-six of the Road Traffic Act, 1930, shall be deemed always to have had effect as if the reference therein to urban districts had included a reference to boroughs not being county boroughs.
- 19 The repeal by this Act of section one hundred and sixteen of, and the Fourth Schedule to, the Road Traffic Act, 1930, or of any enactment amending or otherwise relating to those provisions shall not affect any right to such compensation as is mentioned in that section, and the like provisions as to the determination and payment of such compensation (including provisions as to appeals against a refusal of the grant thereof or as to the amount thereof) shall apply as would have applied if this Act had not passed.

## TWENTIETH SCHEDULE

Section 270.

## SPECIAL PROVISIONS AS TO COMING INTO OPERATION OF CERTAIN PROVISIONS OF THIS ACT

**PART I**

## RELEVANT PROVISIONS

- 1 The provisions of this Act referred to in subsection (1) of section two hundred and seventy thereof are—
- (a) subsection (2) of section nineteen and the Eighteenth Schedule in so far as it operates to repeal subsections (3) and (4) of section four of the Road Traffic Act, 1956;
  - (b) section forty-one ;
  - (c) section sixty-six and the Eighteenth Schedule in so far as it operates to repeal section two of the Road Traffic Act, 1956;
  - (d) section sixty-seven, the Eighth Schedule and the Eighteenth Schedule in so far as it operates to repeal section three of, and the First Schedule to, the Road Traffic Act, 1956;
  - (e) subsection (4) of section one hundred and two and the Eighteenth Schedule in so far as it operates to repeal subsection (1) of section eighteen of the Road Traffic Act, 1956 ;
  - (f) section two hundred and sixty-six.

**PART II**

## COMING INTO OPERATION OF RELEVANT PROVISIONS

- 2 The following provisions shall have effect as regards the provisions of this Act mentioned in sub-paragraph (a) of the foregoing paragraph, namely,—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) if the provisions of the Road Traffic Act, 1956, specified in that paragraph (hereinafter referred to as the " old provisions ") are in operation immediately before the commencement of this Act, the said provisions of this Act (hereinafter referred to as the " new provisions") shall come into operation at that commencement;
  - (b) if the old provisions come into operation at that commencement, the new provisions shall come into operation immediately thereafter;
  - (c) if the old provisions neither are in operation immediately before, nor come into operation at, that commencement, the new provisions shall come into operation immediately after the old provisions come into operation.
- 3 The last foregoing paragraph shall apply to the provisions of this Act mentioned in sub-paragraph (d) of paragraph 1 of this Schedule and those mentioned in sub-paragraph (e) of that paragraph as it applies to those mentioned in sub-paragraph (a) of that paragraph.
- 4 The following provisions shall have effect as regards the provisions of this Act mentioned in sub-paragraph (c) of paragraph 1 of this Schedule, namely,—
- (a) if the provisions of the Road Traffic Act, 1956, specified in that paragraph (hereinafter referred to as the " old provisions ") are, as respects all vehicles to which they apply, in operation immediately before the commencement of this Act, the said provisions of this Act (hereinafter referred to as the " new provisions ") shall come into operation at that commencement;
  - (b) if the old provisions come into operation, as respects all such vehicles as aforesaid, at that commencement, the new provisions shall come into operation immediately thereafter;
  - (c) if the old provisions come into operation after that commencement on the same day as respects all such vehicles as aforesaid, the new provisions shall come into operation immediately after the old provisions come into operation ;
  - (d) if different days are appointed for the coming into operation of the old provisions as respects vehicles registered at different times, and those days do not fall before that commencement, then—
    - (i) in relation to a vehicle as respects which the old provisions are in operation immediately before that commencement, the new provisions shall come into operation at that commencement;
    - (ii) in relation to a vehicle as respects which the old provisions come into operation at that commencement, the new provisions shall come into operation immediately thereafter;
    - (iii) in relation to a vehicle falling within neither head (i) nor head (ii) of this sub-paragraph, the new provisions shall come into operation immediately after the old provisions come into operation as respects it.
- 5 Sections forty-one and two hundred and sixty-six of this Act shall each come into operation on such day as the Minister may, by order made by statutory instrument, appoint in relation thereto.

**PART III**EXTENSION OF SECTION 64 DURING ANY PERIOD OF  
POSTPONEMENT OF COMING INTO OPERATION OF SECTION 67

- 6 If, by virtue of paragraph 3 of this Schedule, the coming into operation of section sixty-seven of, and the Eighth Schedule to, this Act is postponed until after the commencement of this Act, section sixty-four thereof shall, during the period of postponement, have effect as if, at the end of paragraph (g) of subsection (1) thereof, there were added the words " and for empowering persons authorised by or under the regulations to test and inspect, either on a road or, subject to the consent of the owner of the premises, on any premises where the vehicle is, any such brakes, silencers or steering gear ".

## TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Metropolitan Police Act, 1839	2 & 3 Vict. c. 47.
Town Police Clauses Act, 1847	10 & 11 Vict. c. 89.
Locomotive Act, 1861	24 & 25 Vict. c. 70.
Thames Embankment Act, 1862	25 & 26 Vict. c. 93.
Metropolitan Streets Act, 1867	30 & 31 Vict. c. 134.
Court of Session Act, 1868	31 & 32 Vict. c. 100.
Metropolitan Public Carriage Act, 1869	32 & 33 Vict. c. 115.
Licensing Act, 1872	35 & 36 Vict. c. 94.
Public Health Act, 1875	38 & 39 Vict. c. 55.
Roads and Bridges (Scotland) Act, 1878	41 & 42 Vict. c. 51.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Burgh Police (Scotland) Act, 1892	55 & 56 Vict. c. 55.
Local Government Act, 1894	56 & 57 Vict. c. 73.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Light Railways Act, 1896	59 & 60 Vict. c. 48.
Locomotives Act, 1898	61 & 62 Vict. c. 29.
Licensing (Scotland) Act, 1903	3 Edw. 7. c. 25.
Motor Car Act, 1903	3 Edw. 7. c. 36.
Open Spaces Act, 1906	6 Edw. 7. c. 25.
Public Health Acts Amendment Act, 1907	7 Edw. 7. c. 53.
London Cab and Stage Carriage Act, 1907	7 Edw. 7. c. 55.
Bankruptcy (Scotland) Act, 1913	3 & 4 Geo. 5. c. 20.
Forgery Act, 1913	3 & 4 Geo. 5. c. 27.

---

*Status: This is the original version (as it was originally enacted).*

---

Short Title	Session and Chapter
Bankruptcy Act, 1914	4 & 5 Geo. 5. c. 59.
Ministry of Transport Act, 1919	9 & 10 Geo. 5. c. 50.
Roads Act, 1920	10 & 11 Geo. 5. c. 72.
Police Pensions Act, 1921	11 & 12 Geo. 5. c. 31.
London Traffic Act, 1924	14 & 15 Geo. 5. c. 34.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Roads Improvement Act, 1925	15 & 16 Geo. 5. c. 68.
Parks Regulation (Amendment) Act, 1926	16 & 17 Geo. 5. c. 36.
Coroners (Amendment) Act, 1926	16 & 17 Geo. 5. c. 59.
Local Government (Scotland) Act, 1929	19 & 20 Geo. 5. c. 25.
Third Parties (Rights against Insurers) Act, 1930	20 & 21 Geo. 5. c. 25.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
London Passenger Transport Act, 1933	23 & 24 Geo. 5. c. 14.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Road and Rail Traffic Act, 1933	23 & 24 Geo. 5. c. 53.
Road Traffic Act, 1934	24 & 25 Geo. 5. c. 50.
Restriction of Ribbon Development Act, 1935	25 & 26 Geo. 5. c. 47.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Physical Training and Recreation Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 46.
Road Haulage Wages Act, 1938	1 & 2 Geo. 6. c. 44.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Trunk Roads Act, 1946	9 & 10 Geo. 6. c. 30.
Police Act, 1946.	9 & 10 Geo. 6. c. 46.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
Special Roads Act, 1949	12, 13 & 14 Geo. 6. c. 32.
Vehicles (Excise) Act, 1949 .	12, 13 & 14 Geo. 6. c. 89.
Criminal Justice (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 94.



Short Title	Session and Chapter
National Parks and Access to the Countryside Act, 1949	12, 13 & 14 Geo. 6. c. 97.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Highways (Provision of Cattle-Grids) Act, 1950	14 Geo. 6. c. 24.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Local Government (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 26.
Education (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 33.
Summary Jurisdiction (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 48.
Mines and Quarries Act, 1954	2 & 3 Eliz. 2. c. 70.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Police (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 26.
Road Traffic Act, 1956	4 & 5 Eliz. 2. c. 67.
National Health Service (Amendment) Act, 1957	5 & 6 Eliz. 2. c. 2.
Road Transport Lighting Act, 1957	5 & 6 Eliz. 2. c. 51.
Insurance Companies Act, 1958	6 & 7 Eliz. 2. c. 72.
Highways Act, 1959	7 & 8 Eliz. 2. c. 25.