
STATUTORY INSTRUMENTS

1992 No. 1286 (C.42)

ROAD TRAFFIC

**The Road Traffic Act 1991 (Commencement
No 4 and Transitional Provisions) Order 1992**

Made - - - -

3rd June 1992

The Secretary of State for Transport, in exercise of the powers conferred by section 84 of the Road Traffic Act 1991(1) and of all other enabling powers, hereby makes the following order:

PART 1

GENERAL

Citation and Interpretation

1.—(1) This Order may be cited as the Road Traffic Act 1991 (Commencement No. 4 and Transitional Provisions) Order 1992.

(2) In this Order—

“the 1981 Act” means the Public Passenger Vehicles Act 1981(2);

“the RTA 1988” means the Road Traffic Act 1988(3); and

“the RTOA 1988” means the Road Traffic Offenders Act 1988(4);

“the 1991 Act” means the Road Traffic Act 1991.

Commencement of Provisions

2. The provisions of the 1991 Act specified in the first column of the Schedule to this Order which relate to the matters specified in the second column of that Schedule shall come into force on 1st July 1992 subject to the limitations (if any) specified in the third column of that Schedule.

(1) 1991 c. 40.

(2) 1981 c. 14.

(3) 1988 c. 52.

(4) 1988 c. 53.

PART II

TRANSITIONAL PROVISIONS

Vehicle Examiners

3. Without prejudice to section 9(2) of the 1991 Act, a person who immediately before 1st July 1992 is a certifying officer or a public service vehicle examiner appointed under the 1981 Act or an examiner appointed under section 68(1) of the RTA 1988 shall be treated as from that date as if he were an examiner appointed under section 66A of the RTA 1988 for the purpose of carrying out the functions conferred on such an examiner by Part II of that Act, the 1981 Act, the Transport Act 1968⁽⁵⁾ and any other enactment.

Speeding offences — admissibility of evidence

4.—(1) An approval of the Secretary of State under and for the purposes of section 20 of the RTOA 1988 (admissibility of measurement of speed by radar) in force immediately before 1st July 1992 shall have effect in relation to an offence alleged to have been committed on or after that date as if it had been given under and for the purposes of subsection (4) of that section⁽⁶⁾.

(2) Section 23 of the 1991 Act (speeding offences: admissibility of certain evidence) shall not apply in relation to an offence alleged to have been committed before 1st July 1992.

Alternative verdicts

5. Section 24 of the 1991 Act (alternative verdicts) shall not apply in relation to an offence alleged to have been committed before 1st July 1992.

Penalties

6.—(1) The bringing into force by this Order of a provision of the 1991 Act which relates to the punishment of an offence by way of fine, imprisonment or forfeiture shall not affect the punishment of an offence committed before that provision comes into force.

(2) The bringing into force by this Order of a provision of the 1991 Act which relates to the number of penalty points to be attributed to an offence or taken into account on conviction for an offence, shall not affect the number of penalty points to be attributed to an offence or taken into account on conviction for an offence committed before that provision comes into force.

(3) Where a person is disqualified under section 34 of the RTOA 1988 for an offence committed before 1st July 1992, the disqualification shall be treated for the purposes of section 29 of that Act (penalty points to be taken into account on conviction) as if it were a disqualification under section 35 of that Act.

(4) Where a person is disqualified under section 34 or 36 of the RTOA 1988 for an offence committed before 1st July 1992, the disqualification shall be treated for the purposes of section 45(5) of that Act (effect of endorsement) as if it were a disqualification under section 35 of that Act.

(5) Without prejudice to paragraphs (1) to (4) above, where a person is, after 1st July 1992, convicted of an offence committed before that date—

- (a) sections 34 to 37 of the RTOA 1988 (disqualification);
- (b) Schedule 2 to that Act (penalties); and

(5) 1968 c. 73.

(6) A device designed or adapted for measuring by radar the speed of motor vehicles is a device within the meaning of section 20 of the Road Traffic Offenders Act 1988 (as amended by the Road Traffic Act 1991) by virtue of the Road Traffic Offenders (Prescribed Devices) Order 1992 (S.I. 1992/1209).

(c) section 44 of the Powers of Criminal Courts Act 1973⁽⁷⁾ (disqualification where vehicle used for assault);

shall in relation to that offence apply as they were in force before that date.

(6) Section 39 of the 1991 Act (disqualification where a vehicle used in the commission of certain offences in Scotland) shall not have effect in relation to an offence committed before 1st July 1992.

Variable speed limits

7. Where a provision in an order made under subsection (1) of section 84 of the Road Traffic Regulation Act 1984⁽⁸⁾ before 1st July 1992 prohibits the driving of motor vehicles on a road at a speed exceeding that specified in the order during a period specified in the order, the provision shall have effect as if it had been made under paragraph (b) of that subsection.

Signed by authority of the Secretary of State for Transport

Kenneth Carlisle
Parliamentary Under Secretary of State,
Department of Transport

3rd June 1992

(7) 1973 c. 62; section 44 was amended by paragraph 122 of Schedule 7 to the Magistrate's Courts Act 1980 (c. 43) and paragraph 11 of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

(8) 1984 c. 27; section 84 is amended by paragraph 61 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22).

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SCHEDULE

Article 2

PROVISIONS BROUGHT INTO FORCE ON 1ST JULY 1992

1 <i>Provisions of the Act</i>	2 <i>Subject matter of the provision</i>	3 <i>Limitation of the provision</i>
Section 1	Offences of dangerous driving.	
Section 2	Careless and inconsiderate driving.	
Section 3	Causing death by careless driving when under the influence of drink or drugs.	
Section 4	Driving under the influence of drink or drugs.	
Section 5	Disapplication of sections 1 to 3 of the Road Traffic Act 1988 for authorised motoring offences.	
Section 6	Causing danger to road users.	
Section 7	Cycling offences.	
Section 8	Construction and Use of vehicles.	
Section 9	Vehicle examiners.	
Section 10	Testing vehicles on roads.	
Section 11	Inspection of vehicles.	
Section 12	Power to prohibit driving of unfit vehicles.	
Section 13	Power to prohibit driving of overloaded vehicles.	
Section 14	Unfit and overloaded vehicles: offences.	
Section 15	Removal of prohibitions.	
Section 16	Supply of unroadworthy vehicles etc.	
Section 17	Requirement for drivers to hold a licence.	
Section 18	Physical fitness of drivers.	
Section 19	Effects of disqualification.	
Section 20	Exception from requirement of third-party insurance.	

1 <i>Provisions of the Act</i>	2 <i>Subject matter of the provision</i>	3 <i>Limitation of the provision</i>
Section 21	Information as to identity of driver etc.	
Section 22	Amendment of Schedule 1 to the Road Traffic Offenders Act 1988.	
Section 23	Speeding offences etc: admissibility of certain evidence.	
Section 24	Alternative verdicts.	
Section 25	Interim disqualification.	
Section 26	Amendment of Schedule 2 to the Road Traffic Offenders Act 1988.	
Section 27	Penalty points to be attributed to offences.	
Section 28	Penalty points to be taken into account on conviction.	
Section 29	Disqualification for certain of fences.	
Section 30	Courses for drink-drive offenders.	
Section 31	Experimental period for section 30.	
Section 32	Disqualification until test is passed.	
Section 33	Short periods of disqualification.	
Section 34	Conditional offer of fixed penalty.	
Section 36	Forfeiture of vehicles.	
Section 37	Forfeiture of vehicles: Scotland.	
Section 38	Disqualification where a vehicle used for assault.	
Section 39	Disqualification in Scotland where a vehicle used to commit offences.	
Section 40	Power to install equipment for detection of traffic offences.	
Section 45	Variable speed limits.	

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1 <i>Provisions of the Act</i>	2 <i>Subject matter of the provision</i>	3 <i>Limitation of the provision</i>
Section 46	Tramcars and trolley vehicles.	
Section 48	Minor and consequential amendments.	To the extent necessary for bringing into force the provisions of Schedule 4 to the 1991 Act brought into force by this Schedule.
Section 49	Omission of enactments not brought into force.	
Section 81	Minor and consequential amendments (in relation to London).	To the extent necessary for bringing into force paragraph 2 of Schedule 7 to the 1991 Act.
Section 83	Repeals.	To the extent necessary for bringing into force the provisions of Schedule 8 to the 1991 Act brought into force by this Schedule.
Schedule 1	Amendment of Schedule 1 to the Road Traffic Offenders Act 1988.	
Schedule 2	Amendment of Schedule 2 to the Road Traffic Offenders Act 1988.	
Schedule 4, paragraphs 1 to 26, 29 and 30, 37 to 49, 51 to 74, 76 to 78, 80 to 84, 86 to 101, 103 to 105 and 107 to 114.	Minor and consequential amendments.	In relation to paragraph 73, to the extent that that paragraph is not already in force.
Schedule 7, paragraph 2	Amendment to section 15 of the Greater London Council (General Powers) Act 1974 (parking on footways).	
Schedule 8	Repeals.	To the extent that it relates to the repeals set out in the Appendix to this Schedule.

APPENDIX TO SCHEDULE REPEALS TAKING EFFECT ON 1st JULY 1992

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1970 c. 44	The Chronically Sick and Disabled Persons Act 1970.	In section 21(4) the words “and any badge” onwards.
1972 c. 27.	The Road Traffic (Foreign Vehicles) Act 1972.	In Schedule 1— the entry relating to section 8(1) of the Public Passenger Vehicles Act 1981; in the entry relating to section 68 of the Road Traffic Act 1988, the word “goods”.
1972 c. 71.	The Criminal Justice Act 1972.	Section 24(2).
1973 c. 62.	The Powers of Criminal Courts Act 1973.	In section 44(3), paragraphs (a) and (b) and the word “and” immediately preceding them.
1975 c. 46.	The International Road Haulage Permits Act 1975.	In section 1(9), the words “section 56(1) of the Road Traffic Act 1972 or”.
1981 c. 14.	The Public Passenger Vehicles Act 1981.	Section 7. Section 8(1) to (2). In section 8(3), the words “for the purposes of this Act”. Section 9. In section 9A(1), the words “with the omission of subsection (1)(b)”. Section 9A(2). Section 20(6). Section 51(2). In section 53(1), the words “certifying officers, public service vehicle examiners” and the words “public service” in the second place where they appear. Section 65(1)(f). In section 68(4), the reference to section 9(9)(b). In section 82(1), the definition of “certifying officer”.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1982 c. 49.	The Transport Act 1982.	<p>In Schedule 7, paragraph 17(a).</p> <p>In section 9, the paragraph beginning “Any functions under section 9”.</p> <p>Section 10(5).</p> <p>In section 10(8), the words from “Without prejudice” to “their functions”.</p> <p>Section 19.</p> <p>Section 21(2) and (3).</p> <p>Section 23(4).</p> <p>In Schedule 5, paragraph 21.</p>
1984 c. 27.	The Road Traffic Regulation Act 1984.	<p>In section 17(2), the word “or” at the end of paragraph (b).</p> <p>In section 85(1), the words “the prescribed”.</p> <p>In section 85(2)(a), the words “the prescribed”.</p> <p>Section 141.</p> <p>In Schedule 13, in paragraph 40, the words “and for” onwards.</p>
1985 c. 67.	The Transport Act 1985.	<p>In Part II of Schedule 2, paragraph 4(3) and (11)(b).</p> <p>In Schedule 7, paragraph 21(2) and (3).</p>
1988 c. 52.	The Road Traffic Act 1988.	<p>Section 15(10).</p> <p>Section 19A.</p> <p>In section 29, the words “In this section” to the end.</p> <p>Section 30(3).</p> <p>Section 48(6).</p> <p>Section 50(2) and (3).</p> <p>In section 51(1)(b), the word “goods”.</p> <p>In section 61(2)(a), the words from “goods” to “service”.</p> <p>Section 61(5).</p> <p>Section 67(4)(a).</p>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 73(2).
		Section 75(3)(a)(iii).
		In section 75(6), paragraph (c) and the word “or” immediately preceding it.
		Section 75(8).
		Section 79(2)(a).
		In section 86, in the table, the entry for “Goods vehicle examiner”.
		Section 97(7).
		Section 98(5).
		In section 105(2)(ee), the words “for any purpose of this Part of this Act”.
		In section 105(2)(f), the words “for the purposes of this Part of this Act”.
		Section 151(9)(b).
		In section 164(6), the words “to a constable”.
		In section 165(4), the words “to a constable”.
		In section 173(2), the word “and” at the end of paragraph (k).
		In section 183(3), paragraph (b) and the word “and” immediately preceding it.
		In section 192(2), the word ““road””.
		Section 193.
		Schedule 4.
1988 c. 53.	The Road Traffic Offenders Act 1988.	In section 17(3), the word “goods” in each place where it occurs.
		Section 23(2).
		Section 27(2).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		<p>In section 30(2), the words “Subject to section 28(2) of this Act,”.</p> <p>Section 30(3).</p> <p>Section 54(8).</p> <p>Section 59(6).</p> <p>Section 60</p> <p>In Schedule 1, in the Table—</p> <p>in the entry relating to section 71 of the Road Traffic Act 1988, in column 2 the word “goods” in each place where it occurs;</p> <p>the entries relating to sections 97 and 98 of that Act.</p> <p>In Part I of Schedule 2—</p> <p>in the entries relating to sections 68 and 71 of the Road Traffic Act 1988, in column 2 the word “goods” in each place where it occurs;</p> <p>the entries relating to sections 97 and 98 of that Act;</p> <p>in the entry relating to section 165 of that Act, in column 2 the word “constable”;</p> <p>the entries in columns 6 and 7 relating to section 178 of that Act;</p> <p>in the entry relating to section 26 of the Road Traffic Offenders Act, in column 2 the words “on committal for sentence etc.”</p> <p>In Part II of Schedule 2, the entries in columns 3 and 4 relating to stealing or attempting to steal a motor vehicle or to section 12 or 25 of the Theft Act 1968.</p> <p>In Schedule 3, the entry relating to section 97 of the Road Traffic Act 1988.</p>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1988 c. 54.	The Road Traffic (Consequential Provisions) Act 1988.	<p>Section 6.</p> <p>In Part I of Schedule 2—</p> <p>paragraph 1;</p> <p>in paragraph 3(1) the entry beginning</p> <p style="padding-left: 40px;">"for</p> <p style="padding-left: 80px;">“section 56(2)(a)””.</p> <p>paragraph 4(2);</p> <p>paragraph 8;</p> <p>paragraph 9;</p> <p>paragraph 10(b);</p> <p>paragraph 13(b)(ii);</p> <p>paragraph 15(b) and the word “and” immediately preceding it.</p> <p>Parts II, III and IV of Schedule 2.</p> <p>In Schedule 3—</p> <p>paragraph 6(3) and (5);</p> <p>paragraph 8(1);</p> <p>paragraph 8(2)(d) and the word “and” immediately preceding it;</p> <p>paragraph 9(1)(c) and the word “and” immediately preceding it;</p> <p>paragraph 9(3)(b);</p> <p>paragraph 11(b) and (c);</p> <p>paragraph 37(1) and (2).</p> <p>Schedule 5.</p>
1989 c. 22.	The Road Traffic (Driver Licensing and Information Systems) Act 1989.	In Schedule 3, paragraph 21.
1991 c. 40.	The Road Traffic Act 1991.	In Schedule 4, paragraph 79.

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EXPLANATORY NOTE

(This note is not part of the Order)

The Order brings into force on 1st July 1992 certain provisions of the Road Traffic Act 1991 including those relating to:—

- (1) the replacement of reckless driving offences with the new dangerous driving offences;
- (2) the extension of the scope of careless and inconsiderate driving to any mechanically propelled vehicle and to public places other than roads;
- (3) the creation of a new offence of causing death by careless driving when under the influence of drink or drugs;
- (4) the disapplication of sections 1 to 3 of the Road Traffic Act 1988 for authorised motoring events.
- (5) the creation of a new offence of causing danger to road users in England and Wales;
- (6) the replacement of the reckless cycling offence with the new dangerous cycling offence;
- (7) changes in the offences relating to the construction and use of vehicles;
- (8) the appointment of vehicle examiners and the testing and inspection of vehicles;
- (9) powers of vehicle examiners and authorised constables to prohibit the driving of unfit and overloaded vehicles;
- (10) procedures for the removal of prohibitions;
- (11) extending the offence of driving without a licence to driving otherwise than in accordance with a licence;
- (12) the creation of new driving licence offences concerning physical fitness;
- (13) exception from the requirements of third party insurance;
- (14) extending the duty to give information as to the identity of a driver;
- (15) revised provisions as to the admissibility of certain evidence from prescribed devices;
- (16) alternative verdicts;
- (17) extending the powers of courts to order interim disqualification;
- (18) changes in the penalty points for certain offences and in the periods of minimum disqualification for certain offences;
- (19) penalty points to be taken into account on conviction;
- (20) courses for drink-drive offenders;
- (21) disqualification until a driving test is passed;
- (22) procedures where short periods of disqualification are ordered by court;
- (23) changes to the provisions for conditional offer, and their extension to England and Wales;
- (24) powers of the courts to order forfeiture of a vehicle used in certain road traffic offences;
- (25) disqualification where vehicle used to commit assault and other offences;
- (26) power to install equipment for the detection of traffic offences;
- (27) the application of road traffic law to tramcars and trolley vehicles; and

(28) omission of certain enactments which have never been brought into force.

An order for disqualification has in the past had the effect of removing all penalty points from a person's licence. Furthermore, in most cases the person concerned could obtain a licence free of endorsements at the end of the period of disqualification. In future, only disqualifications under the totting up rules will have those effects. Article 6(3) and (4) substantially preserves the old law in relation to offences committed before 1st July 1992.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No</i>
s.35	1st October 1991	1991/2054
	2nd March 1992	1992/199
s.43 (except in respect of Scotland)	1st October 1991	1991/2054
s.44	1st October 1991	1991/2054
s.47	1st April 1992	1992/421
s.48 (partially)	1st October 1991	1991/2054
	1st April 1992	1992/199
	1st April 1992	1992/421
ss.50 to 63	1st October 1991	1991/2054
ss. 64(2)	1st October 1991	1991/2054
ss. 73 to 78	1st October 1991	1991/2054
ss. 80	1st October 1991	1991/2054
ss. 81 (partially)	1st October 1991	1991/2054
ss. 82	1st October 1991	1991/2054
ss. 83 (partially)	1st October 1991	1991/2054
	1st April 1992	1992/421
Schedule 3 (except in respect of Scotland)	1st October 1991	1991/2054
Schedule 4 (partially)	1st October 1991	1991/2054
Schedule 5	1st October 1991	1991/2054
Schedule 7 (partially)	1st October 1991	1991/2054
Schedule 8 (partially)	1st October 1991	1991/2054
	1st April 1992	1992/421