



Road Traffic Act 1972

1972 CHAPTER 20

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Offences connected with driving of motor vehicles

1 Causing death by reckless or dangerous driving

- (1) A person who causes the death of another 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, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be guilty of an offence.
- (2) Section 20 of the Coroners (Amendment) Act 1926 (which makes special provision where the coroner is informed before the jury have given their verdict that some person has been charged with one of the offences specified in that section) shall apply to an offence against this section as it applies to manslaughter.

2 Reckless, and dangerous, driving generally

If a person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be guilty of an offence.

3 Careless, and inconsiderate, driving

If a person drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons using the road, he shall be guilty of an offence.

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4 Driving under age

- (1) A person shall not drive on a road a motor vehicle of a class specified in the first column of the following Table if he is under the age specified in relation thereto in the second column of that Table.

TABLE

<i>Class of motor vehicle</i>	<i>Age</i>
1. Motor cycle or invalid carriage	16
2. Motor car	17
3. Tractor used primarily for work on land in connection with agriculture	17
4. Heavy locomotive, light locomotive, motor tractor or heavy motor car, but not including such a tractor as is mentioned in paragraph 3	21

- (2) Regulations may provide that in relation to motor cycles or, if it is so prescribed by the regulations, in relation to motor cycles of a class so prescribed, the foregoing Table shall have effect as if it specified such minimum age as may be so prescribed, not being less than—

- (a) 16 years, in the case of motor cycles other than those of the class specified in the following paragraph;
- (b) 15 years, in the case of motor cycles whereof the cylinder capacity of the engine does not exceed 50 cubic centimetres, being cycles equipped with pedals by means whereof they are capable of being propelled ;

but a person shall not be prohibited by virtue of regulations having effect by virtue of this subsection from driving motor cycles of any class if at any time before the coming into force of the regulations he has held or was entitled (on making the requisite application and declaration and on payment of the appropriate fee) to the grant of a licence, other than a provisional licence, authorising him to drive that class of motor cycle or if at the time of the coming into force of the regulations he holds a provisional licence.

- (3) Regulations may provide—

- (a) that the age under which a person may not drive on a road a motor car constructed as mentioned in section 190(9) of this Act shall, if the motor car is of a class specified in the regulations, and is driven with a trailer attached to it in the manner mentioned in that subsection, be 21 instead of 17 ;
- (b) that the age under which a person may not drive on a road a tractor used primarily for work on land in connection with agriculture shall, if the tractor is of a class specified in the regulations and is driven in circumstances so specified, be 16 instead of 17;
- (c) that the age under which a person may not drive on a road a road roller falling within paragraph 4 of the Table set out in subsection (1) above shall, if the roller is of a class specified in the regulations and is driven in circumstances so specified, be 17 instead of 21 ;

but—

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- (i) a person shall not be prohibited by virtue of regulations under paragraph (a) above from driving a motor car of any class if at any time before the coming into force of the regulations he has held, or was entitled (on making the requisite application and declaration and on payment of the appropriate fee) to the grant of, a licence, other than a provisional licence, authorising him to drive that class of motor car; and
 - (ii) a person under the age of 17 who has not passed the prescribed test of competence to drive such a tractor as is mentioned in paragraph (b) above shall not be authorised by regulations made under that paragraph to drive such a tractor on a road except while taking, proceeding to or returning from such a test.
- (4) A person who drives, or causes or permits a person to drive, a motor vehicle in contravention of the provisions of this section shall be guilty of an offence.

5 Driving, or being in charge, when under influence of drink or drugs

- (1) A person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence.
- (2) Without prejudice to subsection (1) above, a person who, when in charge of a motor vehicle which is on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence.
- (3) For the purposes of subsection (2) above a person shall be deemed not to have been in charge of a motor vehicle if he proves that at the material time the circumstances were such that there was no likelihood of his driving it so long as he remained unfit to drive through drink or drugs.
- (4) For the purposes of this section a person shall be taken to be unfit to drive if his ability to drive properly is for the time being impaired.
- (5) A constable may arrest without warrant a person committing an offence under this section.

6 Driving, or being in charge, with blood-alcohol concentration above the prescribed limit

- (1) If a person drives or attempts to drive a motor vehicle on a road or other public place, having consumed alcohol in such a quantity that the proportion thereof in his blood, as ascertained from a laboratory test for which he subsequently provides a specimen under section 9 of this Act, exceeds the prescribed limit at the time he provides the specimen, he shall be guilty of an offence.
- (2) Without prejudice to subsection (1) above, if a person is in charge of a motor vehicle on a road or other public place having consumed alcohol as aforesaid, he shall be guilty of an offence.
- (3) A person shall not be convicted under this section of being in charge of a motor vehicle if he proves that at the material time the circumstances were such that there was no likelihood of his driving it so long as there was any probability of his having alcohol in his blood in a proportion exceeding the prescribed limit.
- (4) In determining for the purposes of subsection (3) above the likelihood of a person's driving a motor vehicle when he is injured or the vehicle is damaged, the jury, in the

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case of proceedings on indictment, may be directed to disregard, and the court in any other case may disregard, the fact that he had been injured or that the vehicle had been damaged.

7 Evidence on charge of unfitness to drive

- (1) In any proceedings for an offence under section 5 of this Act, the court shall, subject to section 10(5) thereof, have regard to any evidence which may be given of the proportion or quantity of alcohol or of any drug which was contained in the blood or present in the body of the accused, as ascertained by analysis of a specimen of blood taken from him with his consent by a medical practitioner, or of urine provided by him, at any material time; and if it is proved that the accused, when so requested by a constable at any such time, refused to consent to the taking of or to provide a specimen for analysis, his refusal may, unless reasonable cause therefor is shown, be treated as supporting any evidence given on behalf of the prosecution, or as rebutting any evidence given on behalf of the defence, with respect to his condition at that time.
- (2) A person shall not be treated for the purposes of subsection (1) above as refusing to provide a specimen unless—
 - (a) he is first requested to provide a specimen of blood, but refuses to do so ;
 - (b) he is then requested to provide two specimens of urine within one hour of the request, but fails to provide them within the hour or refuses at any time within the hour to provide them; and
 - (c) he is again requested to provide a specimen of blood, but refuses to do so.
- (3) The first specimen of urine provided in pursuance of a request under subsection (2) (b) above shall be disregarded for the purposes of subsection (1) above.

8 Breath tests

- (1) A constable in uniform may require any person driving or attempting to drive a motor vehicle on a road or other public place to provide a specimen of breath for a breath test there or nearby, if the constable has reasonable cause—
 - (a) to suspect him of having alcohol in his body, or
 - (b) to suspect him of having committed a traffic offence while the vehicle was in motion ;

but no requirement may be made by virtue of paragraph (b) above unless it is made as soon as reasonably practicable after the commission of the traffic offence.
- (2) If an accident occurs owing to the presence of a motor vehicle on a road or other public place, a constable in uniform may require any person who he has reasonable cause to believe was driving or attempting to drive the vehicle at the time of the accident to provide a specimen of breath for a breath test—
 - (a) except while that person is at a hospital as a patient, either at or near the place where the requirement is made or, if the constable thinks fit, at a police station specified by the constable ;
 - (b) in the said excepted case, at the hospital;

but a person shall not be required to provide such a specimen while at a hospital as a patient if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

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- (3) A person who, without reasonable excuse, fails to provide a specimen of breath for a breath test under subsection (1) or (2) above shall be guilty of an offence.
- (4) If it appears to a constable in consequence of a breath test carried out by him on any person under subsection (1) or (2) above that the device by means of which the test is carried out indicates that the proportion of alcohol in that person's blood exceeds the prescribed limit, the constable may arrest that person without warrant except while that person is at a hospital as a patient.
- (5) If a person required by a constable under subsection (1) or (2) above to provide a specimen of breath for a breath test fails to do so and the constable has reasonable cause to suspect him of having alcohol in his body, the constable may arrest him without warrant except while he is at a hospital as a patient.
- (6) Subsections (4) and (5) above shall not be construed as prejudicing the provisions of section 5(5) of this Act.
- (7) A person arrested under this section, or under the said section 5(5), shall, while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.
- (8) In this section " traffic offence " means an offence under any provision of this Act except Part V thereof or under any provision of Part III of the Road Traffic Act 1960 or the Road Traffic Regulation Act 1967.

9 Laboratory tests

- (1) A person who has been arrested under section 5(5) or 8 of this Act may, while at a police station, be required by a constable to provide a specimen for a laboratory test (which may be a specimen of blood or of urine), if he has previously been given an opportunity to provide a specimen of breath for a breath test at that station under subsection (7) of the said section 8, and either—
 - (a) it appears to a constable in consequence of the breath test that the device by means of which the test is carried out indicates that the proportion of alcohol in his blood exceeds the prescribed limit, or
 - (b) when given the opportunity to provide that specimen, he fails to do so.
- (2) A person while at a hospital as a patient may be required by a constable to provide at the hospital a specimen for a laboratory test—
 - (a) if it appears to a constable in consequence of a breath test carried out on that person under section 8(2) of this Act that the device by means of which the test is carried out indicates that the proportion of alcohol in his blood exceeds the prescribed limit, or
 - (b) if that person has been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, but fails to do so and a constable has reasonable cause to suspect him of having alcohol in his body;

but a person shall not be required to provide a specimen for a laboratory test under this subsection if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision, the requirement to provide it or a warning under subsection (7) below would be prejudicial to the proper care or treatment of the patient.

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- (3) A person who, without reasonable excuse, fails to provide a specimen for a laboratory test in pursuance of a requirement imposed under this section shall be guilty of an offence.
- (4) Nothing in the foregoing provisions of this section shall affect the provisions of section 7(1) of this Act.
- (5) A person shall not be treated for the purposes of subsection (3) above as failing to provide a specimen unless—
 - (a) he is first requested to provide a specimen of blood, but refuses to do so ;
 - (b) he is then requested to provide two specimens of urine within one hour of the request, but fails to provide them within the hour or refuses at any time within the hour to provide them ; and
 - (c) he is again requested to provide a specimen of blood, but refuses to do so.
- (6) The first specimen of urine provided in pursuance of a request under subsection (5) (b) above shall be disregarded for the purposes of section 6 of this Act.
- (7) A constable shall on requiring any person under this section to provide a specimen for a laboratory test warn him that failure to provide a specimen of blood or urine may make him liable to imprisonment, a fine and disqualification, and, if the constable fails to do so, the court before which that person is charged with an offence under section 6 of this Act or this section may direct an acquittal or dismiss the charge, as the case may require.

In this subsection " disqualification " means disqualification for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act.

10 Ancillary provisions as to evidence in proceedings for an offence under s.5 or 6

- (1) For the purposes of any proceedings for an offence under section 5 or 6 of this Act, a certificate purporting to be signed by an authorised analyst, and certifying—
 - (a) the proportion of alcohol or any drug found in a specimen identified by the certificate, and
 - (b) for the purposes only of proceedings for an offence under the said section 5, in the case of a specimen of urine, the proportion of alcohol or of that drug in the blood which corresponds to the proportion found in the specimen,
 shall, subject to subsection (3) below, be evidence of the matters so certified and of the qualification of the analyst.
- (2) For the purposes of any proceedings for an offence under the said section 5 or 6, a certificate purporting to be signed by a medical practitioner that he took a specimen of blood from a person with his consent shall, subject to subsection (3) below, be evidence of the matters so certified and of the qualification of the medical practitioner.
- (3) Subsections (1) and (2) above shall not apply to a certificate tendered on behalf of the prosecution unless a copy has been served on the accused not less than seven days before the hearing or trial, nor if the accused, not less than three days before the hearing or trial, or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing or trial of the person by whom the certificate was signed.

A copy of a certificate required by this subsection to be served on the accused or of a notice required by this subsection to be served on the prosecutor may either be

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personally served on the accused or the prosecutor (as the case may be) or sent to him by registered post or the recorded delivery service.

- (4) In any proceedings in Scotland for an offence under the said section 5 or 6, a certificate complying with subsection (1) or (2) above and, where the person by whom such a certificate was signed is called as a witness, the evidence of that person, shall be sufficient evidence of the facts stated in the certificate.
- (5) Where, in proceedings for an offence under the said section 5 or 6 the accused, at the time a specimen of blood or urine was taken from or provided by him, asked to be supplied with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen shall not be admissible on behalf of the prosecution unless—
 - (a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken or provided, and
 - (b) the other specimen or part was supplied to the accused.
- (6) A constable requesting any person to consent to the taking of or to provide a specimen of blood or urine for analysis shall offer to supply to him, in a suitable container, part of the specimen or, in the case of a specimen of blood which it is not practicable to divide, another specimen which he may consent to have taken.
- (7) In this section " authorised analyst" means any person possessing the qualifications prescribed by regulations made under section 89 of the Food and Drugs Act 1955, or section 27 of the Food and Drugs (Scotland) Act 1956, as qualifying persons for appointment as public analysts under those Acts, and any other person authorised by the Secretary of State to make analyses for the purposes of this section.

11 Detention of persons while affected by alcohol

Any person required to provide a specimen for a laboratory test under section 9(1) of this Act may thereafter be detained at the police station until he provides a specimen of breath for a breath test and it appears to a constable that the device by means of which the test is carried out indicates that the proportion of alcohol in that person's blood does not exceed the prescribed limit.

12 Interpretation of ss.6 to 11

- (1) In sections 6 to 11 of this Act, except so far as the context otherwise requires—
 - " breath test " means a test for the purpose of obtaining an indication of the proportion of alcohol in a person's blood carried out by means of a device of a type approved for the purpose of such a test by the Secretary of State, on a specimen of breath provided by that person;
 - " fail ", in relation to providing a specimen, includes refuse and " failure " shall be construed accordingly ;
 - " hospital " means an institution which provides medical or surgical treatment for in-patients or out-patients ;
 - " laboratory test " means the analysis of a specimen provided for the purpose ;
 - " the prescribed limit " means 80 milligrammes of alcohol in 100 millilitres of blood or such other proportion as may be prescribed by regulations made by the Secretary of State.

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- (2) A person shall be treated for the purposes of sections 6 and 9 of this Act as providing a specimen of blood if, but only if, he consents to the specimen being taken by a medical practitioner and it is so taken and shall be treated for those purposes as providing it at the time it is so taken.
- (3) References in sections 8, 9 and 11 of this Act to providing a specimen of breath for a breath test are references to providing a specimen thereof in sufficient quantity to enable that test to be carried out.
- (4) For the purposes of the said section 6 and this section 107 milligrammes of alcohol in 100 millilitres of urine shall be treated as equivalent to 80 milligrammes of alcohol in 100 millilitres of blood, and the power conferred by subsection (1) above to prescribe some other proportion of alcohol in the blood shall include power to prescribe a proportion of alcohol in urine which is to be treated as equivalent to the prescribed proportion of alcohol in the blood.

13 Person liable to be charged with offence under ss.5, 6 or 9 not liable to be charged with certain other offences

A person liable to be charged with an offence under section 5, 6 or 9 of this Act shall not be liable to be charged—

- (a) under section 12 of the Licensing Act 1872, with the offence of being drunk while in charge, on a highway or other public place, of a carriage, or
- (b) under section 70 of the Licensing (Scotland) Act 1903, with the offence of being drunk while in charge, in a street or other place, of a carriage.

14 Motor racing on highways

A person who promotes or takes part in a race or trial of speed between motor vehicles on a public highway shall be guilty of an offence.

15 Regulation of motoring events on highways

- (1) A person who promotes or takes part in a competition or trial (other than a race or trial of speed) involving the use of motor vehicles on a public highway shall be guilty of an offence unless the competition or trial is authorised, and is conducted in accordance with any conditions imposed, by or under regulations under this section.
- (2) The Secretary of State may by regulations authorise, or provide for authorising, the holding of such competitions and trials as aforesaid, either generally, or as regards any area, or as regards any class or description of competition or trial or any particular competition or trial, subject to such conditions, including conditions requiring the payment of fees, as may be imposed by or under the regulations.
- (3) Regulations under this section may—
 - (a) prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations, and
 - (b) make different provision for different classes or descriptions of competition or trial.

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16 Restriction on carriage of persons on motorcycles

It shall not be lawful for more than one person in addition to the driver to be carried on a two-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat; and if a person is carried on a cycle in contravention of this section, the driver of the cycle shall be guilty of an offence.

Offences connected with riding of pedal cycles

17 Reckless, and dangerous, cycling

If a person rides a cycle, not being a motor vehicle, on a road recklessly or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be guilty of an offence.

In this section " road " includes a bridleway.

18 Careless, and inconsiderate, cycling

If a person rides a cycle, not being a motor vehicle, on a road without due care and attention, or without reasonable consideration for other persons using the road, he shall be guilty of an offence.

In this section " road " includes a bridleway.

19 Cycling when under influence of drink or drugs

- (1) A person who, when riding a cycle, not being a motor vehicle, on a road or other public place, is unfit to ride through drink or drugs shall be guilty of an offence.
- (2) A person liable to be charged with an offence under this section shall not be liable to be charged—
 - (a) under section 12 of the Licensing Act 1872, with the offence of being drunk while in charge, on a highway or other public place, of a carriage, or
 - (b) under section 70 of the Licensing (Scotland) Act 1903, with the offence of being drunk while in charge, in a street or other place, of a carriage.
- (3) A constable may arrest without warrant a person committing an offence under this section.
- (4) In this section " unfit to ride through drink or drugs " means, as regards a person riding a cycle, under the influence of drink or a drug to such an extent as to be incapable of having proper control of it.
- (5) In this section " road " includes a bridleway.

20 Regulation of cycle racing on highways

- (1) A person who promotes or takes part in a race or trial of speed on a public highway between cycles, not being motor vehicles, shall be guilty of an offence, unless the race

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or trial is authorised, and is conducted in accordance with any conditions imposed, by or under regulations under this section.

- (2) The Secretary of State may by regulations authorise, or provide for authorising, for the purposes of subsection (1) above, the holding on a public highway other than a bridleway of races or trials of speed of any class or description or a particular race or trial of speed, in such cases as may be prescribed and subject to such conditions as may be imposed by or under the regulations.
- (3) Regulations under this section may—
 - (a) prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations, and
 - (b) make different provision for different classes or descriptions of race or trial.
- (4) Without prejudice to any other powers exercisable in that behalf, the chief officer of police may give such directions with respect to the movement of, or the route to be followed by, vehicular traffic, during such period, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of the holding of a race or trial of speed authorised by or under regulations under this section, including a direction that any road or part of a road specified in the direction shall be closed during any such period to vehicles or to vehicles of a class so specified.
- (5) In this section " public highway " includes a bridleway but not a footpath.

21 Restriction on carriage of persons on bicycles

It shall not be lawful for more than one person to be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person ; and if a person is carried on a bicycle in contravention of this section, each of the persons carried shall be guilty of an offence. In this section references to a person carried on a bicycle include references to a person riding the bicycle and the reference to a road includes a reference to a bridleway.

Offences connected with traffic generally

22 Drivers to comply with traffic directions

- (1) Where a constable is for the time being engaged in the regulation of traffic in a road, or where a traffic sign, being a sign of the prescribed size, colour and type, or of another character authorised by the Secretary of State under the provisions in that behalf of the Road Traffic Regulation Act 1967, has been lawfully placed on or near a road, a person driving or propelling a vehicle who—
 - (a) neglects or refuses to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic when directed so to do by the constable in the execution of his duty, or
 - (b) fails to comply with the indication given by the sign,
 shall be guilty of an offence.
- (2) A traffic sign shall not be treated for the purposes of this section as having been lawfully placed unless either—
 - (a) the indication given by the sign is an indication of a statutory prohibition, restriction or requirement, or

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- (b) it is expressly provided by or under any provision of this Act or of the Road Traffic Regulation Act 1967 that this section shall apply to the sign or to signs of a type of which the sign is one;

and where the indication mentioned in paragraph (a) of this subsection is of the general nature only of the prohibition, restriction or requirement to which the sign relates a person shall not be convicted of failure to comply with the indication unless he has failed to comply with the said prohibition, restriction or requirement.

- (3) For the purposes of this section a traffic sign placed on or near a road shall be deemed to be of the prescribed size, colour and type, or of another character authorised as mentioned in subsection (1) above, and (subject to subsection (2) above) to have been lawfully so placed, unless the contrary is proved.
- (4) It shall be lawful in Scotland to convict a person of a contravention of this section on the evidence of one witness.

23 Pedestrians to comply with directions to stop given by constables regulating vehicular traffic

Where a constable in uniform is for the time being engaged in the regulation of vehicular traffic in a road, a person on foot who proceeds across or along the carriageway in contravention of a direction to stop given by the constable, in the execution of his duty, either to persons on foot or to persons on foot and other traffic, shall be guilty of an offence.

24 Leaving vehicles in dangerous positions

If a person in charge of a vehicle causes or permits the 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, he shall be guilty of an offence.

Accidents

25 Duty to stop, and furnish particulars, in case of accident

- (1) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby personal injury is caused to a person other than the driver of that motor vehicle or damage is caused to a vehicle other than that motor vehicle or a trailer drawn thereby or to an animal other than an animal in or on that motor vehicle or a trailer drawn thereby, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle.
- (2) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a police station or to a constable as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.
- (3) In this section " animal " means any horse, cattle, ass, mule, sheep, pig, goat or dog.
- (4) A person who fails to comply with this section shall be guilty of an offence.

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26 General provisions as to accident inquiries

- (1) Where an accident arises out of the presence of a motor vehicle on a road, the Secretary of State may direct inquiry to be made into the cause of the accident.
- (2) Where any such accident has occurred, a person authorised by the Secretary of State in that behalf may, on production if so required of his authority, inspect any vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time any premises where the vehicle is ; and if a person obstructs a person so authorised in the performance of his duty under this subsection, he shall be guilty of an offence.
- (3) If in any case the Secretary of State considers that an inquiry to be made by him under this section should be made by means of the holding of a public inquiry, he may direct a public inquiry to be held.
- (4) A report made by or to the Secretary of State as the result of an inquiry under this section shall not be used in evidence by or on behalf of a person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

27 Special provisions as to accident inquiries in Greater London

- (1) Where, owing to the presence of a vehicle on a road, an accident occurs within Greater London and it appears to the Secretary of State that the sole or a contributory cause of the accident was—
 - (a) the nature or character of the road or of the road surface, or
 - (b) a defect in the design or construction of the vehicle or in the materials used in the construction of the road or vehicle,he may, if he thinks fit, cause an inquiry to be held into the cause of the accident.
- (2) In this section " road " includes a highway and a bridge carrying a highway and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not.

28 Inquests on road deaths in Greater London

- (1) Where an accident occurs within Greater London resulting in the death of a person, and it is alleged that, the accident was due to—
 - (a) the nature or character of a road or road surface, or
 - (b) a defect in the design or construction of a vehicle or in the materials used in the construction of a road or vehicle,the coroner holding inquiry into the cause of death shall send to the Secretary of State, or to such officer of his as the Secretary of State may direct, notice in writing of the time and place of holding the inquest, and of the adjourned inquest; and an officer appointed by the Secretary of State for the purpose shall be at liberty at any such inquest to examine any witness, subject nevertheless to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question.
- (2) In this section " road " has the same meaning as in section 27 of this Act.

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Ancillary provisions for preventing, or mitigating effects of, accidents

29 Penalisation of tampering with motor vehicles

If, while a motor vehicle is on a road or on a parking place provided by a local authority, a person otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers with the brake or other part of its mechanism, he shall be guilty of an offence.

30 Penalisation of holding or getting on to vehicle in order to be towed or carried

- (1) If a person otherwise than with lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion on a road, for the purpose of being carried, he shall be guilty of an offence.
- (2) If a person takes or retains hold of a motor vehicle or trailer while in motion on a road for the purpose of being drawn he shall be guilty of an offence.

31 Control of dogs on roads

- (1) A person who causes or permits a dog to be on a designated road without the dog being held on a lead shall be guilty of an offence.
- (2) In this section " designated road " means a length of road specified by an order in that behalf of the local authority in whose area the length of road is situated; and the powers which under this subsection are exercisable by a local authority in England or Wales shall, in the case of a road part of the width of which is in the area of one local authority and part in the area of another, be exercisable by either authority with the consent of the other.
- (3) An order under this section may provide that subsection (1) above shall apply subject to such limitations or exceptions as may be specified in the order, and (without prejudice to the generality of this subsection) subsection (1) above shall not apply to dogs proved to be kept for driving or tending sheep or cattle in the course of a trade or business, or to have been at the material time in use under proper control for sporting purposes.
- (4) An order under this section shall not be made except after consultation with the chief officer of police.
- (5) The Secretary of State may make regulations prescribing the procedure to be followed in connection with the making of orders under this section and requiring the authority making such an order to publish in such manner as may be prescribed by the regulations notice of the making and effect of the order.
- (6) In England or Wales a local authority may institute proceedings for an offence under this section relating to a road in their area.
- (7) In this section " local authority " means the council of a county borough or county district, the Common Council of the City of London or the council of a London borough, or in Scotland a county council or a town council.
- (8) The power conferred by this section to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke it.

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32 Wearing of protective headgear

- (1) The Secretary of State may make regulations requiring, subject to such exceptions as may be specified in the regulations, persons driving or riding (otherwise than in side-cars) on motor cycles of any class specified in the regulations to wear protective headgear of such description as may be so specified.
- (2) Regulations under this section may make different provision in relation to different circumstances.
- (3) Any person who drives or rides on a motor cycle in contravention of regulations under this section shall be guilty of an offence.

33 Protective helmets for motor cyclists

- (1) The Secretary of State may make regulations prescribing (by reference to shape, construction or any other quality) types of helmet recommended as affording protection to persons on or in motor cycles, or motor cycles of different classes, from injury in the event of accident.
- (2) If a person sells, or offers for sale, a helmet as a helmet for affording protection as aforesaid, and the helmet is neither—
 - (a) of a type prescribed under this section, nor
 - (b) of a type authorised under regulations made under this section and sold or offered for sale subject to any conditions specified in the authorisation,he shall, subject to subsection (3) below, be guilty of an offence.
- (3) A person shall not be convicted of an offence under this section in respect of the sale or offer for sale of a helmet if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.
- (4) In England or Wales the council of a county, of a borough or of an urban district, the Greater London Council or the Common Council of the City of London may institute proceedings for an offence under this section.
- (5) The provisions of Schedule 1 to this Act shall have effect in relation to contraventions of this section.
- (6) In this section and in the said Schedule "helmet" includes any head-dress, and references in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

Manning of locomotives and trailers

34 Requirements as to employment of persons to attend to locomotives and trailers

- (1) In the case of heavy locomotives and light locomotives, two persons shall be employed in driving or attending the locomotive whilst being driven on a highway, and where any such locomotive is drawing a trailer or trailers on a highway one or more persons, in addition to the persons employed as aforesaid, shall be employed for the purpose of attending to the trailer or trailers at the rate of one such additional person for each trailer in excess of one:

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Provided that this subsection shall not apply to a road roller while engaged in rolling a road.

- (2) Where a motor vehicle other than a heavy locomotive or a light locomotive is drawing a trailer or trailers on a highway, one person, in addition to the driver of the vehicle, shall be carried either on the vehicle or on a trailer for the purpose of attending to the trailer or trailers.
- (3) For the purposes of this section " trailer " does not include a vehicle used solely for carrying water for the purposes of the drawing vehicle or an agricultural vehicle not constructed to carry a load.
- (4) If a person causes or permits a motor vehicle or trailer to be driven or drawn in contravention of this section, he shall be guilty of an offence.
- (5) The Secretary of State may by regulations vary the requirements of this section in respect of any class of motor vehicles or any class of trailers, and regulations made under this subsection with respect to a class of vehicles may make different provision in different circumstances.

Restrictions on use of motor vehicles off roadway

35 Control of use of footpaths and bridleways for motor vehicle trials

- (1) No person shall promote or take part in a trial of any description between motor vehicles on a footpath or bridleway unless the holding of the trial has been authorised under this section by the local authority.
- (2) A local authority shall not give an authorisation under this section unless satisfied that consent in writing to the use of any length of footpath or bridleway for the purposes of the trial has been given by the owner and by the occupier of the land over which that length of footpath or bridleway runs, and any such authorisation may be given subject to compliance with such conditions as the authority think fit.
- (3) A person who contravenes subsection (1) above, or fails to comply with any conditions subject to which an authorisation under this section has been granted, shall be guilty of an offence.
- (4) No statutory provision prohibiting or restricting the use of footpaths or bridleways or a specified footpath or bridleway shall affect the holding of a trial authorised under this section; but this section shall not prejudice any right or remedy of a person as having an interest in any land.
- (5) In this section " local authority "—
 - (a) as respects England and Wales, means the council of a county or county borough, except that in relation to a footpath or bridleway for which the council of a borough, not being a county borough, or of an urban district is the highway authority, the said expression means that council;
 - (b) as respects Scotland, means a county council or town council;and in this subsection " county borough " includes a London borough.

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36 Prohibition of driving motor vehicles elsewhere than on roads

- (1) Subject to the provisions of this section, if without lawful authority a person drives a motor vehicle on to or upon any common land, moorland or other land of whatsoever description, not being land forming part of a road, or on any road being a footpath or bridleway, he shall be guilty of an offence.
- (2) It shall not be an offence under this section to drive a motor vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.
- (3) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.
- (4) It is hereby declared that nothing in this section prejudices the operation of section 193 of the Law of Property Act 1925 (which relates to the rights of the public over commons and waste lands), or of any byelaws applying to any land or affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass or in particular confers a right to park a vehicle on any land.

Road safety information and road training

37 The Highway Code

- (1) The Highway Code shall continue to have effect subject however to revision in accordance with subsection (2) below.
- (2) The Secretary of State may from time to time revise the Highway Code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.
- (3) Any alterations proposed to be made in the provisions of the Highway Code on a revision thereof shall, as soon as prepared by the Secretary of State, be laid before both Houses of Parliament, and the revised Code shall not be issued until the proposed alterations have been approved by both Houses.
- (4) Subject to subsection (3) above, the Secretary of State shall cause the Highway Code and every revised edition thereof to be printed and may cause copies thereof to be sold to the public at such price as he may determine.
- (5) A failure on the part of a person to observe a provision of the Highway Code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act, the Road Traffic Act 1960 or the Road Traffic Regulation Act 1967) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.
- (6) In this section "the Highway Code" means the code comprising directions for the guidance of persons using roads issued and revised under section 45 of the Road Traffic Act 1930 or section 74 of the Road Traffic Act 1960.

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38 Powers of Secretary of State and local authorities as to giving road safety information and training

- (1) The Secretary of State may, with the approval of the Treasury, provide for promoting road safety by disseminating information or advice relating to the use of roads.
- (2) A local authority shall have power to make arrangements for the purposes of subsection (1) above or for giving practical training to road users or any class or description of road users, and to make contributions towards the cost of arrangements for the like purposes made by other authorities or bodies.
- (3) Where, not less than two months before the beginning of a financial year, the Secretary of State on an examination of arrangements proposed to be made under subsection (2) above by a local authority in England or Wales, being the council of a non-county borough or urban district, is satisfied that arrangements so made are likely to be effective and notifies the local authority that he is so satisfied, then, from the beginning of that year until a notification by the Secretary of State to the local authority that he is no longer so satisfied takes effect, the expenditure of the county council in respect of the cost of arrangements or of contributions, made by the county council under subsection (2) above shall not be chargeable on the area of the first-mentioned authority.

A notification by the Secretary of State that he is no longer satisfied as aforesaid shall take effect at the end of the financial year in which it is given or, if it is given during the last two months of a financial year, at the end of the next following financial year.

- (4) The provisions of Schedule 2 to this Act shall have effect for authorising the payment of travelling and other allowances in connection with arrangements made by a local authority under subsection (2) above.
- (5) In this section " local authority " means—
 - (a) as respects England and Wales, the council of a county, a borough or an urban district, or the Greater London Council, or the Common Council of the City of London;
 - (b) as respects Scotland, a county council or town council.
- (6) Any expenses incurred under this section by the Secretary of State shall be defrayed out of moneys provided by Parliament.

39 Powers of Secretary of State to subsidise bodies other than local authorities for giving road safety information and training

The Secretary of State may, with the approval of the Treasury, make out of moneys provided by Parliament contributions towards the cost of any such arrangements as are mentioned in section 38(2) of this Act, being arrangements made by authorities or bodies other than local authorities within the meaning of that section.

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PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

General provisions

40 Regulation of construction, weight, equipment and use of vehicles

(1) The Secretary of State may make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters:—

- (a) the width, height and length of motor vehicles and trailers and the load carried thereby, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers ;
- (b) the emission or consumption of smoke, fumes or vapour and the emission of sparks, ashes and grit;
- (c) noise;
- (d) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested ;
- (e) the particulars to be marked on motor vehicles and trailers;
- (f) the towing of or drawing of vehicles by motor vehicles;
- (g) the number and nature of brakes, and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order ;
- (h) the testing and inspection, by persons authorised by or under the regulations, of the brakes, silencers, steering gear, tyres, lighting equipment and reflectors of motor vehicles and trailers on any premises where they are, subject however to the consent of the owner of the premises;
- (i) the appliances to be fitted for signalling the approach of a motor vehicle, or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of a motor vehicle, and the use of any such appliance, and for securing that they shall be efficient and kept in proper working order;
- (j) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, being appliances for signalling by sound, at any times, or on or in any roads or localities, specified in the regulations.

(2) Without prejudice to the generality of the foregoing provisions, the Secretary of State may, as respects goods vehicles, make regulations under this section—

- (a) prescribing other descriptions of weight which are not to be exceeded in the case of such vehicles ;
- (b) providing for the marking on such vehicles of weights of any description or other particulars by means of plates (of any material) fixed thereto ;
- (c) providing for the circumstances in which any particulars which are to be marked on such vehicles are to be so marked;

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- (d) providing that weights of any description or other particulars which are to be marked on particular goods vehicles may be determined in accordance with regulations under section 45 of this Act.
- (3) Different regulations may be made under this section as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects roads in different localities.
- (4) In framing regulations under this section prescribing a weight of any description which is not to be exceeded in the case of goods vehicles of a class for which a manufacturer's certificate or Minister's approval certificate may be issued under section 47 of this Act the Secretary of State shall have regard to the design weight of the like description determined by virtue of the said section 47 for vehicles of that class and shall secure that the first-mentioned weight shall not exceed the design weight.
- (5) Subject to the provisions of this section and sections 41 and 42 of this Act, a person—
 - (a) who contravenes or fails to comply with any regulations under this section ; or
 - (b) who uses on a road a motor vehicle or trailer which does not comply with any such regulations or causes or permits a vehicle to be so used,shall be guilty of an offence.
- (6) In any proceedings for an offence under subsection (5) above in which there is alleged a contravention of or failure to comply with a construction and use requirement relating to any description of weight applicable to a goods vehicle, it shall be a defence to prove either—
 - (a) that at the time when the vehicle was being used on the road it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed, or was proceeding from a weighbridge after being weighed to the nearest point at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road; or
 - (b) in a case where the limit of that weight was not exceeded by more than five per cent., that that limit was not exceeded at the time the loading of the vehicle was originally completed and that since that time no person has made any addition to the load.
- (7) In this Part of this Act—
 - " construction and use requirements " means requirements, whether applicable generally or at specified times or in specified circumstances, imposed under this section or by or under sections 68 to 79 of this Act;
 - " plated particulars " means such particulars as are required to be marked on a goods vehicle in pursuance of regulations under this section by means of a plate ;
 - " plated weights " means such weights as are required to be so marked.

41 Temporary exemption from application of regulations under s.40

- (1) Subject to subsections (2) to (4) below, where any regulations under section 40 of this Act contain provisions varying the requirements as regards the construction or weight of any class of vehicles, provision shall be made by the regulations for exempting for such period, not being less than five years, as may be specified therein from the provisions aforesaid any vehicle of that class registered under the Vehicles (Excise) Act 1971 before the expiration of one year from the making of the regulations.

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- (2) No such provision contained in regulations under the said section 40 as imposes or varies requirements with respect to the braking systems with which motor vehicles must be equipped shall be taken, for the purposes of subsection (1) above or of any other provision of the regulations, to be one relating to the construction of vehicles.
- (3) Where regulations under the said section 40 contain provisions varying the requirements as regards the construction or weight of any class of vehicle, and the Secretary of State is satisfied—
 - (a) that it is requisite that those provisions shall apply at a date specified in the regulations to vehicles registered before the expiration of one year from the making of the regulations, or to such of them as are specified in the regulations, and
 - (b) that, notwithstanding that those provisions will then apply to those vehicles, no undue hardship or inconvenience will be caused thereby,then, if the regulations state that the Secretary of State is so satisfied, subsection (1) above shall not apply in relation to the said provisions.
- (4) Subsection (1) above shall not apply in relation to regulations made with respect to any description of weight of goods vehicles, other than their maximum unladen weight, or in relation to regulations made by virtue of subsection (2) of the said section 40.

42 Authorisation of use on roads of special vehicles not complying with regulations under s.40

- (1) The Secretary of State may by order authorise, subject to such restrictions and conditions as may be specified by or under the order, the use on roads—
 - (a) of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials,
 - (b) of vehicles or trailers, or types of vehicles or trailers, constructed for use outside the United Kingdom,
 - (c) of new or improved types of motor vehicles or trailers, whether wheeled or wheelless, or of motor vehicles or trailers equipped with new or improved equipment or types of equipment, and
 - (d) of vehicles or trailers carrying loads of exceptional dimensions;and nothing in section 40 of this Act shall prevent the use of such vehicles, trailers, or types as aforesaid in accordance with the order.
- (2) The Secretary of State may by order make provision for securing that, subject to such restrictions and conditions as may be specified by or under the order, regulations under the said section 40 shall have effect in their application to such vehicles, trailers and types thereof as are mentioned in subsection (1) above subject to such modifications or exceptions as may be specified in the order.
- (3) Any order under this section may be varied or revoked by a subsequent order of the Secretary of State.
- (4) The powers conferred by this section on the Secretary of State to make orders shall be exercisable by statutory instrument except in the case of orders applying only to specified vehicles or to vehicles of specified persons.

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43 Tests of satisfactory condition of vehicles other than goods vehicles to which s.45 applies

- (1) The provisions of this section and of sections 44 and 52(1) of this Act shall have effect in relation to motor vehicles other than goods vehicles which are required by regulations under section 45 of this Act to be submitted for a goods vehicle test under that section and for the purpose of ascertaining whether the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment are complied with.
- (2) The Secretary of State may by regulations make provision for the examination of vehicles submitted for examination under this section and for the issue, where it is found on such an examination that the said requirements are complied with, of a certificate (hereafter in this Act referred to as a "test certificate") that at the date of the examination the requirements were complied with in relation to the vehicle.
- (3) Examinations for the purposes of this section shall be carried out by persons, not being officers of the Secretary of State, authorised for those purposes by the Secretary of State (in this section referred to as "authorised examiners"), by inspectors appointed by the Secretary of State, or by inspectors appointed by any council designated by the Secretary of State for the purposes of this section, being the council of a county, of a borough, of an urban district or of a large burgh (within the meaning of the Local Government (Scotland) Act 1947), the Greater London Council, or the Common Council of the City of London.
- (4) Where a test certificate is refused, the examiner or inspector shall issue a notification of the refusal stating the grounds thereof, and a person aggrieved by the refusal or the grounds thereof may appeal to the Secretary of State; and on any such appeal the Secretary of State shall cause a further examination to be made and either issue a test certificate or issue such a notification as aforesaid.
- (5) For the purposes of their functions under this section the Secretary of State or a council designated for the purposes of this section may provide and maintain—
 - (a) stations where examinations under this section may be carried out, and
 - (b) apparatus for carrying out such examinations.
- (6) The Secretary of State may make regulations for the purpose of giving effect to the foregoing provisions of this section and for prescribing anything authorised by this section to be prescribed, and in particular as to—
 - (a) the authorisation of examiners, the imposition of conditions to be complied with by authorised examiners and the withdrawal of authorisations;
 - (b) the manner in which, conditions under which and apparatus with which examinations are carried out, the maintenance of that apparatus in an efficient state, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out;
 - (c) the manner in which applications may be made for the examination of vehicles under this section, the manner in which and time within which appeals may be brought under subsection (4) above, the information to be supplied and documents to be produced on such an application, examination or appeal, the fees to be paid on such an application or appeal, and the repayment of the whole or part of the fee paid on such an appeal where it appears to the Secretary of State that there were substantial grounds for contesting the whole or part of the decision appealed against;

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- (d) the form of, and particulars to be contained in, test certificates and notifications of the refusal thereof, and the supply by the Secretary of State of forms for such certificates and notifications and the charges to be made for the supply thereof;
 - (e) the issue of duplicates of test certificates lost or defaced and the fee to be paid for the issue thereof;
 - (f) the issue of copies of test certificates and the fee to be paid for the issue thereof;
 - (g) the keeping by designated councils and authorised examiners of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed;
 - (h) the keeping of records by designated councils and authorised examiners and the furnishing by them of returns and information to the Secretary of State ;
- and regulations under this section may make different provision in relation to different cases or classes of cases.

44 **Obligatory test certificates for vehicles other than goods vehicles to which s.45 applies**

- (1) A person who uses on a road at any time, or causes or permits to be so used, a motor vehicle to which this section applies, and as respects which no test certificate has been issued within the appropriate period before the said time, shall be guilty of an offence.
- (2) Subject to section 43(1) of this Act and to subsection (4) below, the motor vehicles to which this section applies at any time are—
 - (a) those first registered under the Vehicles (Excise) Act 1971, the Vehicles (Excise) Act 1962, the Vehicles (Excise) Act 1949 or the Roads Act 1920, not less than ten years before that time, and
 - (b) those which, having a date of manufacture not less than the specified period before that time, have been used on roads (whether in Great Britain or elsewhere) before being registered under the Vehicles (Excise) Act 1971 or the Vehicles (Excise) Act 1962.
- (3) For the purposes of paragraph (b) above there shall be disregarded the use of a vehicle—
 - (a) before it is sold or supplied by retail; or
 - (b) before it is registered by the Secretary of State under paragraph (b) of section 19(1) of the Vehicles (Excise) Act 1971 (registration when Secretary of State receives from a motor dealer particulars of a vehicle to which the dealer has assigned a mark under section 20 thereof) and after a mark is so assigned to it.
- (4) This section shall not apply to public service vehicles (within the meaning of Part III of the Road Traffic Act 1960) adapted to carry eight or more passengers or to vehicles of such classes as may be prescribed.
- (5) The Secretary of State may by order made by statutory instrument direct that subsection (2)(a) above shall have effect with the substitution, for ten years, of such shorter period as may be specified in the order.

An order under this subsection shall not have effect unless approved by resolution of each House of Parliament.

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- (6) The Secretary of State may by regulations exempt from subsection (1) above the use of vehicles for such purposes as may be prescribed.
- (7) The Secretary of State may by regulations exempt from subsection (1) above the use of vehicles in any such area as may be prescribed.
- (8) For the purpose of spreading the work of issuing certificates in contemplation of a change in the length of the period specified under subsection (5) above or of the appropriate period (and whether for purposes of this section or section 52 of this Act), the order or, as the case may be, regulations changing the length of that period may be made so as to come into operation on different days as respects vehicles first registered under any of the enactments mentioned in subsection (2) above at different times.
- (9) Where within the appropriate period after a test certificate is issued or treated for the purposes of this section as issued, but not earlier than one month before the end of that period, a further test certificate is issued as respects the same vehicle, the further certificate shall be treated for the purposes of this section as if issued at the end of the said appropriate period.
- (10) Where the particulars contained in a test certificate in accordance with regulations made under section 43(6) of this Act include a date of expiry falling later, but not more than one month later, than the end of the appropriate period after the date on which it is issued, the certificate shall be deemed to have been issued in respect of the same vehicle as an earlier test certificate and the date on which it was issued shall be deemed to have been a date falling within the last month of the appropriate period after the date on which that earlier certificate was issued or treated for the purposes of this section as issued ; and any date of expiry contained in a test certificate shall be deemed to have been entered in accordance with such regulations unless the contrary is proved.
- (11) For the purposes of this section the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by retail, and in the said excepted case shall be taken to be the last day of the year during which the modifications are completed.
- (12) Any power conferred by this section to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke the order.
- (13) In this section—
 - " appropriate period " means a period of twelve months or such shorter period as may be prescribed ;
 - " specified period " means a period of ten years or such shorter period as may be specified in an order under subsection (5) above.

45 Tests of satisfactory condition of certain classes of goods vehicles and determination of plated weights and other particulars therefor

- (1) The Secretary of State may by regulations make provision for the examination of goods vehicles of any prescribed class for the purpose of selecting or otherwise determining plated weights or other plated particulars for goods vehicles of that class or for the purpose of ascertaining whether any prescribed construction and use requirements (whether relating to plated particulars or not) are complied with in the case of goods vehicles of that class, or for both purposes, and in particular—

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- (a) for the determination, according to criteria or by methods prescribed by or determined under the regulations, of the plated particulars for a goods vehicle (including its plated weights), on an examination of the vehicle for the purpose, and for the issue on such an examination, except as provided by regulations made by virtue of paragraph (c) of this subsection, of a certificate (hereafter in this Act referred to as a "plating certificate") specifying those particulars ;
- (b) for the issue, for a goods vehicle which has been found on examination for the purpose to comply with the prescribed construction and use requirements, of a certificate (hereafter in this Act referred to as a "goods vehicle test certificate") stating that the vehicle has been found so to comply; and
- (c) for the refusal of a goods vehicle test certificate for a goods vehicle which is so found not to comply with those requirements and for requiring a written notification to be given of any such refusal and of the grounds of the refusal, and for the refusal of a plating certificate where a goods vehicle test certificate is refused.

References in the foregoing provisions of this subsection to construction and use requirements shall be construed, in relation to an examination of a vehicle solely for the purpose of ascertaining whether it complies with any such requirements, as references to such of those requirements as are applicable to the vehicle at the time of the test and, in relation to an examination of a vehicle both for that purpose and for the purpose of determining its plated particulars, as references to such of those requirements as will be applicable to the vehicle if a plating certificate is issued for it.

- (2) In the following provisions of this Part of this Act—
 - "examination for plating" means an examination under regulations under this section for the purpose of determining plated particulars for a goods vehicle; and
 - "goods vehicle test" means an examination under any such regulations for the purpose of ascertaining whether any prescribed construction and use requirements are complied with in the case of a goods vehicle.
- (3) Any person aggrieved by a determination made on an examination under the regulations by the person in charge of the examination may appeal to an area mechanical engineer appointed by the Secretary of State to act for the traffic area in which the original examination was made, and on the appeal the area mechanical engineer shall cause the vehicle to be reexamined and make such determination in the matter as he thinks fit.
- (4) A person aggrieved by the determination of an area mechanical engineer under subsection (3) above may appeal to the Secretary of State and on the appeal the Secretary of State shall cause the vehicle to be re-examined by an officer appointed by him for the purpose and shall make such determination on the basis of the re-examination as he thinks fit.
- (5) Regulations under this section may make the like provision in relation to a determination on an appeal under subsection (3) or (4) above as they make in relation to a determination on an examination under the regulations.
- (6) Without prejudice to the generality of subsection (1) above, regulations under this section may—
 - (a) require or authorise goods vehicles to which the regulations apply to be submitted for examination under the regulations and, in particular—

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- (i) require any such vehicle to be submitted for a goods vehicle test at periodic intervals ; and
 - (ii) require or authorise any such vehicle to be submitted for re-examination on the making of any prescribed alteration to it or its equipment and, for the purpose of determining whether any such reexamination is necessary, require any such alteration to be notified to the Secretary of State;
 - (b) authorise any examination under the regulations to be carried out by or under the direction of a goods vehicle examiner;
 - (c) prescribe the conditions subject to which vehicles will be accepted for such examination and, without prejudice to the foregoing—
 - (i) authorise any person by whom an examination of the vehicle under the regulations or subsections (3) and (4) above is carried out to drive the vehicle, whether on a road or elsewhere ; and
 - (ii) require that a driver of a vehicle examined thereunder is, except so far as permitted to be absent by the person carrying out the examination, present throughout the whole of the examination and drives the vehicle when directed to do so, and operates the controls in accordance with any directions given to him, by that person ;
 - (d) require the plating certificate for any vehicle to which the regulations apply to specify any alteration to the vehicle or its equipment which is required by the regulations to be notified to the Secretary of State;
 - (e) authorise the amendment of a plating certificate or the issue of a different plating certificate on the re-examination of any vehicle;
 - (f) provide for the period of validity of goods vehicle test certificates;
 - (g) specify the manner in which, and the time before or within which, applications may be made for the examination of vehicles under the regulations or appeals may be brought under subsection (3) or (4) above, and the information to be supplied and documents to be produced on any such application, examination or appeal;
 - (h) make provision as to the fees to be paid on any such application or appeal and as to the repayment of the whole or part of any fee paid on such an appeal where it appears to the Secretary of State that there were substantial grounds for contesting the whole or part of the determination appealed from ;
 - (i) make provision as to the form of, and particulars to be contained in, plating certificates and goods vehicle test certificates and notifications of the refusal of the latter certificates;
 - (j) provide for the issue of replacements for plates marked with plated particulars, plating certificates and goods vehicle test certificates which have been lost or defaced and for the payment of a fee for their issue ;
 - (k) exempt prescribed classes of vehicles from all or any of the provisions of the regulations either generally or in prescribed circumstances;
 - (l) make different provision for different cases.
- (7) Regulations under this section may provide that a person who contravenes or fails to comply with a requirement of regulations imposed by virtue of subsection (6)(c)(ii) thereof shall be guilty of an offence.
- (8) Without prejudice to any regulations made by virtue of subsection (6)(c) above, the Secretary of State may give directions with respect to the manner in which

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examinations under regulations under this section or under subsection (3) or (4) above are to be carried out.

- (9) The Secretary of State may provide and maintain stations where examinations of goods vehicles under regulations under this section or under subsection (3) or (4) above may be carried out and may provide and maintain the apparatus for carrying out such examinations.
- (10) In this section "goods vehicle examiner" has the same meaning as in section 56(1) of this Act and any reference to the driving of a vehicle is, in relation to a trailer, a reference to the driving of the vehicle by which the trailer is drawn.

46 Obligatory test certificates for goods vehicles to which s.45 applies

- (1) If any person at any time on or after the relevant date uses on a road, or causes or permits to be so used, a goods vehicle of a class required by regulations under section 45 of this Act to have been submitted for examination for plating and at that time there is no plating certificate in force for the vehicle, he shall be guilty of an offence.

In this subsection "relevant date", in relation to any goods vehicle, means the date by which it is so required to be submitted for examination for plating.

- (2) If any person at any time on or after the relevant date uses on a road, or causes or permits to be so used, a goods vehicle of a class required by regulations under the said section 45 to have been submitted for a goods vehicle test and at that time there is no goods vehicle test certificate in force for the vehicle, he shall be guilty of an offence.

In this subsection "relevant date", in relation to any goods vehicle, means the date by which it is so required to be submitted for its first goods vehicle test.

- (3) Any person who uses on a road, or causes or permits to be so used, a goods vehicle when an alteration has been made to the vehicle or its equipment which is required by regulations under the said section 45 to be, but has not been, notified to the Secretary of State shall be guilty of an offence.
- (4) In any proceedings for an offence under subsection (3) above, it shall be a defence to prove that the alteration was not specified in the relevant plating certificate in accordance with regulations under the said section 45.
- (5) The Secretary of State may by regulations—
- (a) exempt from all or any of the foregoing provisions of this section the use of goods vehicles for such purposes or in such an area as may be prescribed ; and
 - (b) make provision for the issue in respect of a vehicle in such circumstances as may be prescribed of a certificate of temporary exemption exempting that vehicle from the provisions of subsection (1) or (2) above for such period as may be specified in the certificate.

47 Approval of design, construction, etc., of goods vehicles

- (1) Without prejudice to section 40 of this Act, the Secretary of State may by regulations prescribe requirements (hereinafter in this Part of this Act referred to as "type approval requirements") with respect to the design, construction, equipment and marking of goods vehicles of any class, being requirements which are applicable before, whether or not they are applicable after, vehicles of that class are used on a road.

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- (2) Regulations under this section may provide for the determination, according to criteria or by methods prescribed by or determined under the regulations, of weights of any description which in the opinion of the Secretary of State should not be exceeded in the case of goods vehicles of any class.
- (3) In this Part of this Act—
 - (a) references to design weights shall be construed as references to weights determined by virtue of subsection (2) above; and
 - (b) " the relevant aspects of design, construction, equipment and marking ", in relation to any vehicle, means those aspects of design, construction, equipment and marking which are subject to the type approval requirements or which were used as criteria in determining design weights for that vehicle.
- (4) Where the Secretary of State is satisfied on application made to him by the manufacturer of a goods vehicle of a class to which regulations under this section apply and after examination of the vehicle—
 - (a) that the vehicle complies with the relevant type approval requirements; and
 - (b) that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted ;he may approve that vehicle as a type vehicle and, if so, shall issue a certificate (hereafter in this Part of this Act referred to as a " type approval certificate ") stating that the vehicle complies with the relevant type approval requirements and specifying the permitted variations from the type vehicle and the design weights for vehicles so conforming in all respects and for vehicles so conforming with any such variations.

In the following provisions of this section and in section 48 of this Act " conform " means conform in all respects or with any permitted variation.
- (5) A manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each goods vehicle manufactured by him which conforms with the type vehicle in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate (hereafter in this Part of this Act referred to as a " manufacturer's certificate ") stating that it does so conform and specifying the design weights for the vehicle, and shall in such cases as may be prescribed specify in the certificate one or more of the plated weights for the vehicle.
- (6) Where a manufacturer issues a manufacturer's certificate for a vehicle, the Secretary of State shall, on an application made by any person containing such information as he may require with respect to the proposed circumstances of operation of the vehicle and on production of that certificate, specify in the certificate any plated weights for the vehicle not so specified by the manufacturer.
- (7) Where a manufacturer issues a manufacturer's certificate for a vehicle then—
 - (a) if he is required by subsection (5) above to specify any plated weights for the vehicle in the certificate, he shall mark those weights on the vehicle by means of a plate fixed to it;
 - (b) in any other case the Secretary of State shall on an application for the purpose secure that those weights are so marked.

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- (8) Where the Secretary of State is satisfied, on application made to him by any person in respect of a goods vehicle of a class to which regulations under this section apply and after examination of the vehicle, that the vehicle complies with the relevant type approval requirements and the Secretary of State has sufficient information to enable the plated weights to be ascertained for the vehicle he may issue a certificate (hereafter in this Part of this Act referred to as a "Minister's approval certificate") stating that the vehicle complies with those requirements and specifying its design weights and plated weights and, where he issues such a certificate, shall secure that the plated weights are marked on the vehicle by means of a plate fixed to it.
- (9) Subject to the provisions of subsection (10) below, a type approval certificate may be issued for a type vehicle where the Secretary of State is satisfied that one or more, but not all, of the relevant type approval requirements are complied with in the case of that vehicle, and—
- (a) a further type approval certificate may be issued by virtue of this subsection on the application of any person who manufactures any part of the vehicle or by whom the vehicle is finally assembled, and references in this section and section 48 of this Act to a manufacturer shall be construed accordingly ;
 - (b) any manufacturer's certificate issued in consequence of any type approval certificate issued by virtue of this subsection shall relate only to the requirement or requirements to which that type approval certificate relates;
 - (c) where a manufacturer's certificate issued in respect of a vehicle relates to one or more, but not all, of the relevant type approval requirements, the Secretary of State may issue in respect of that vehicle a Minister's approval certificate relating to one or more of the other relevant type approval requirements.
- (10) The first type approval certificate issued for a type vehicle by virtue of subsection (9) above shall specify the design weights for conforming vehicles, and accordingly—
- (a) so much of subsections (4), (5), (6) and (7) above as requires the Secretary of State or a manufacturer to specify in any certificate under this section the design weights or plated weights for a vehicle or as requires the Secretary of State or a manufacturer to mark or secure the marking of the plated weights on a vehicle shall not apply to a subsequent type approval certificate issued by virtue of subsection (9) above or to the manufacturer's certificates issued in consequence of such a type approval certificate ;
 - (b) so much of subsection (8) above as requires the Secretary of State to specify in any certificate issued by him the design weights and plated weights for a vehicle or to secure that the plated weights are marked on a vehicle shall not apply to a Minister's approval certificate issued by virtue of subsection (9) above.
- (11) Where a Minister's approval certificate is given as respects an imported goods vehicle and the Secretary of State is satisfied on the application of the importer of the vehicle and after the consideration of such evidence as he thinks necessary that any other goods vehicle imported by the importer conforms with the first mentioned vehicle as respects the relevant aspects of design, construction, equipment and marking, the Secretary of State may issue a Minister's approval certificate in respect of that other vehicle without examining it and, where he issues such a certificate, shall specify the plated weights which are to be marked on the other vehicle.
- (12) Subsection (11) above shall apply in relation to goods vehicles brought into Great Britain from Northern Ireland as it applies in relation to imported goods vehicles, and references in that subsection to the importer shall be construed accordingly.

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- (13) Where the Secretary of State determines on an application under this section not to issue a type approval certificate or a Minister's approval certificate in respect of a goods vehicle, he shall give to the applicant a written notification of the determination, stating the grounds on which it is based.

48 Supplementary provisions as to type approval and other certificates

- (1) A type approval certificate may be issued subject to conditions with respect to—
- (a) the inspection by officers of the Secretary of State of vehicles purporting to conform with the type vehicle in the relevant aspects of design, construction, equipment and marking and of parts of such vehicles and their equipment, and the entry of premises where they are manufactured, and
 - (b) the notification by the manufacturer of differences of design, construction, equipment or marking (other than permitted variations) between any such vehicles and the type vehicle which might affect the type approval requirements or the criteria for determining the design weights of those vehicles.
- (2) The Secretary of State may by regulations require that prescribed alterations in any of the relevant aspects of design, construction, equipment or marking or any such aspect which affects the plated weight made to any vehicle for which a manufacturer's certificate or a Minister's approval certificate is issued shall, subject to any exemption granted under subsection (3) below, be notified to the Secretary of State.
- (3) The Secretary of State may by notice in writing given to the manufacturer of goods vehicles or to the owner of a vehicle for which a Minister's approval certificate is issued—
- (a) direct that any specified alteration in any of the said aspects to a vehicle to which the direction relates shall be notified to the Secretary of State ;
 - (b) exempt a vehicle to which the notice relates from all or any of the requirements of regulations under subsection (2) above, subject to compliance with any conditions specified in the notice.
- (4) Without prejudice to the provisions of section 50 of this Act, the Secretary of State may by regulations require that a manufacturer's certificate or Minister's approval certificate issued for any vehicle shall specify the regulations if any applicable to the vehicle under subsection (2) above at the time of the issue of the certificate, any additional alteration to that vehicle required by any direction under subsection (3) above to be notified to the Secretary of State and any exemption applicable to that vehicle under that subsection.
- (5) A manufacturer's certificate or Minister's approval certificate specifying any plated weights shall be treated for the purposes of the provisions of this Part of this Act and any regulations thereunder relating to plating certificates (except section 45(3) of this Act) as a plating certificate.
- (6) If it appears to the Secretary of State that there has been a breach of a condition subject to which a type approval certificate has been granted or if he ceases to be satisfied as to any other matter relevant to a type approval certificate, he may cancel or suspend the certificate, but the cancellation or suspension shall not affect the validity of any manufacturer's certificate previously issued in consequence of the type approval certificate

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- (7) Where the Secretary of State cancels or suspends a certificate in pursuance of this section, he shall give a written notification of that fact to the holder of the certificate stating the grounds for the cancellation or suspension.

49 Appeals

A person aggrieved by a determination made on behalf of the Secretary of State with respect to a type approval certificate, a manufacturer's certificate or a Minister's approval certificate under section 47 or 48 of this Act, including any determination with respect to design weights or plated weights, may within the prescribed time and in the prescribed manner appeal to the Secretary of State, and on the appeal the Secretary of State-

- (a) shall have the like powers and duties as he has on an original application for a type approval or a Minister's approval certificate or in respect of the plated weights to be included in a manufacturer's certificate;
- (b) may hold an inquiry in connection therewith; and
- (c) may appoint an assessor for the purpose of assisting him with the appeal or any such inquiry.

50 Regulations for purposes of ss.47 to 49 and other supplementary provisions

- (1) The Secretary of State may make regulations for the purposes of sections 47 to 49 of this Act and, without prejudice to the generality of the foregoing, any such regulations—
- (a) may provide for the examination of any vehicle in respect of which a manufacturer's certificate or a Minister's approval certificate is in force in the event of an alteration being made to the vehicle which is notifiable by virtue of section 48(2) or (3) of this Act and, in particular, may empower a goods vehicle examiner to require the vehicle to be examined at a testing station provided under this section or section 45 or 58 of this Act;
 - (b) may authorise the suspension or amendment of a manufacturer's certificate or a Minister's approval certificate on an examination of any vehicle in pursuance of regulations made by virtue of paragraph (a) above;
 - (c) shall give a right of appeal to any person aggrieved by a determination on any such examination and for that purpose may apply section 45(3) and (4) of this Act;
 - (d) may contain the like provisions with respect to any such examination and any appeal brought by virtue of paragraph (c) above as may be contained in regulations made by virtue of paragraphs (b), (c), (g) and (h) of section 45(6) of this Act in relation to the examinations and appeals there mentioned;
 - (e) may provide for charging a fee on the making of an application for a type approval certificate or Minister's approval certificate;
 - (f) may make provision as to the form of, and particulars to be contained in, manufacturers' certificates, and provide for the supply by the Secretary of State of forms for such certificates ;
 - (g) may provide for the issue of replacements for plates fixed to vehicles under section 47 of this Act, manufacturers' certificates and Minister's approval certificates which have been lost or defaced and provide for the payment of a fee for their issue;

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- (h) may require persons empowered by section 47 of this Act to issue manufacturers' certificates to keep records of manufacturers' certificates issued by them and of the vehicles in respect of which such certificates are issued and may authorise the inspection of such records by such persons and in such circumstances as may be prescribed ;
 - (i) may make different provision for different cases.
- (2) Without prejudice to any regulations made by virtue of section 45(6)(c) of this Act, as applied by this section, the Secretary of State may give directions with respect to the manner in which examinations to which such regulations apply are to be carried out.
- (3) The Secretary of State may provide and maintain stations where examinations of goods vehicles under sections 47 to 49 of this Act or this section or regulations thereunder may be carried out and may provide and maintain the apparatus for carrying out such examinations.
- (4) Where an agreement entered into between Her Majesty's Government and the Government of a country outside Great Britain provides for the recognition in Great Britain of arrangements under the law of that country with respect to the approval of the design, construction, equipment or marking of goods vehicles of any description manufactured in that country, the Secretary of State may make regulations—
 - (a) applying, with such adaptations and modifications as he thinks fit, all or any of the provisions of sections 47 to 49 of this Act and of regulations under subsection (1) above, so far as relating to type approval certificates and manufacturers' certificates, to goods vehicles of that description manufactured in that country;
 - (b) providing that a certificate issued under any such provision as so applied shall be treated for the purposes of any other provisions of this Part of this Act prescribed by the regulations as a type approval certificate or as a manufacturer's certificate ;
 - (c) providing for the cancellation or suspension (subject to any savings prescribed by the regulations) of any such certificate in the event of the agreement ceasing to be in force or being modified.
- (5) Where regulations under subsection (1) above impose the like requirement as may be imposed by regulations made by virtue of section 45(6)(c)(ii) of this Act, the regulations may provide that a person who contravenes or fails to comply with a requirement so imposed shall be guilty of an offence.
- (6) In this section " goods vehicle examiner " has the same meaning as in section 56(1) of this Act and in sections 47 and 48 of this Act and this section " goods vehicle" includes a vehicle which is a chassis for, or will otherwise form part of, a vehicle which when completed will be a goods vehicle.

51 Obligatory type approval, manufacturers' and Minister's approval, certificates

- (1) If any person at any time on or after the day appointed by regulations made by the Secretary of State in relation to goods vehicles of a prescribed class, being vehicles to which type approval requirements prescribed by those regulations apply, uses on a road, or causes or permits to be so used, a goods vehicle of that class and it does not appear from one or more certificates then in force under section 47 of this Act that the vehicle complies with those requirements, he shall be guilty of an offence.

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Different days may be appointed under this subsection in relation to different classes of vehicles.

- (2) If a plating certificate has been issued for a goods vehicle to which section 46(1) of this Act or subsection (1) above applies, but does not specify a maximum laden weight for the vehicle together with any trailer which may be drawn by it, any person who on or after the relevant date within the meaning of the said section 46(1) or, as the case may be, the day appointed under the said subsection (1) uses the vehicle on a road for drawing a trailer, or causes or permits it to be so used, shall be guilty of an offence.
- (3) Any person who uses on a road, or causes or permits to be so used, a goods vehicle when an alteration has been made to the vehicle or its equipment which is required by regulations or directions under section 48 of this Act to be, but has not been, notified to the Secretary of State shall be guilty of an offence.
- (4) In any proceedings for an offence under subsection (3) above, it shall be a defence to prove that the regulations were not, or, as the case may be, the alteration was not, specified in the relevant manufacturer's certificate or Minister's approval certificate in accordance with regulations under section 48(4) of this Act.
- (5) The Secretary of State may by regulations—
 - (a) exempt from all or any of the foregoing provisions of this section the use of goods vehicles for such purposes or in such an area as may be prescribed ;
 - (b) exempt any class of goods vehicles from the provisions of subsection (2) above ; and
 - (c) make provision for the issue in respect of a vehicle in such circumstances as may be prescribed of a certificate of temporary exemption exempting that vehicle from the provisions of subsection (1) above for such period as may be specified in the certificate.

52 Regulations prohibiting the grant of excise licences for certain vehicles except on compliance with certain conditions

- (1) The Secretary of State may by regulations provide that where application is made for a licence under the Vehicles (Excise) Act 1971 for a vehicle to which section 44 of this Act applies and, in the case of an application relating to a vehicle to which that section applies by virtue of subsection (2)(b) thereof, it appears from the application that the vehicle has been used on roads (whether in Great Britain or elsewhere) before the date of the application, the licence shall not be granted unless—
 - (a) there is produced such evidence as may be prescribed of the granting of an effective test certificate or (if it is so prescribed) there is produced such a certificate or there is furnished to the Secretary of State a copy thereof, or
 - (b) there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose prescribed under subsection (6), or in an area prescribed under subsection (7), of the said section 44, or
 - (c) in the case of an application relating to a vehicle to which the said section 44 applies by virtue of subsection (2)(b) thereof, the owner of the vehicles declares in writing the year in which the vehicle was manufactured, and the specified period from the date of manufacture has not expired.

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- (2) The Secretary of State may by regulations provide that where application is made for a licence under the said Act of 1971 for a goods vehicle to which section 46(2) or 51(1) of this Act applies, the licence shall not be granted unless—
- (a) on any application, after the relevant date within the meaning of the said section 46(2), for a licence for a vehicle to which the said section 46(2) applies, there is produced evidence that an effective goods vehicle test certificate is in force for the vehicle;
 - (b) on the first application, after the day appointed by regulations made by virtue of the said section 51(1), for a licence for a vehicle of any class to which those regulations apply, there is produced evidence that there is or are one or more certificates in force for the vehicle under section 47 of this Act from which it appears that the vehicle complies with all the relevant type approval requirements prescribed by those regulations;
- or unless there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose or in an area prescribed under paragraph (a) of section 46(5) or 51(5) of this Act or unless there is produced in respect of the vehicle a certificate of temporary exemption issued by virtue of paragraph (b) of the said section 46(5) or paragraph (c) of the said section 51(5) which exempts that vehicle from the provisions of section 46(2) or 51(1) of this Act, as the case may be, for a period which includes the date on which the licence is to come into force.
- (3) Regulations under subsection (2) above may be made so as to apply to such classes only of vehicles as may be specified in the regulations.
- (4) Section 44(11) shall apply for the purposes of this section as it applies for the purposes of that section.
- (5) In this section—
- " effective test certificate " means, in relation to an application for a licence for a vehicle, a test certificate relating to the vehicle and issued within the appropriate period before the date on which the licence is to come into force;
 - " effective goods vehicle test certificate " means, in relation to an application for a licence for a vehicle, a goods vehicle test certificate relating to the vehicle which will be in force on the date on which the licence is to come into force;
- and " appropriate period " and " specified period " have the same meanings as they respectively have in section 44 of this Act.

53 Testing of condition of vehicles on roads

- (1) An authorised examiner may test a motor vehicle on a road for the purpose of ascertaining whether the requirements imposed by law as to—
- (a) brakes, silencers, steering gear and tyres;
 - (b) the prevention or reduction of smoke, fumes or vapour; and
 - (c) lighting equipment and reflectors,
- are complied with as respects the vehicle, and of bringing to the notice of the driver any failure to comply with those requirements, and for the purpose of testing the vehicle the examiner may drive it; but a vehicle shall not be required to stop for a test except by a constable in uniform.

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- (2) The following persons may act as authorised examiners for the purposes of this section and section 54 of this Act, that is to say, a certifying officer or public service vehicle examiner appointed under Part III of the Road Traffic Act 1960, a person appointed as an examiner under section 56 of this Act, a person appointed to examine and inspect public carriages for the purposes of the Metropolitan Public Carriage Act 1869, a person appointed to act for the purposes of this section by the Secretary of State, and a constable authorised so to act by or under instructions of the chief officer of police.

A person appointed as aforesaid shall produce his authority to act for the purposes of this section if required to do so.

- (3) On the examiner proceeding to test a vehicle under this section, the driver may elect that the test shall be deferred to a time, and carried out at a place, fixed in accordance with Schedule 3 to this Act, and the provisions of that Schedule shall apply accordingly:

Provided that—

- (a) where it appears to a constable that, by reason of an accident having occurred owing to the presence of the vehicle on a road, it is requisite that a test should be carried out forthwith, he may require it to be so carried out and, if he is not to carry it out himself, may require that the vehicle shall not be taken away until the test has been carried out; and
 - (b) where in the opinion of a constable the vehicle is apparently so defective that it ought not to be allowed to proceed without a test's being carried out, he may require the test to be carried out forthwith.
- (4) If a person obstructs an authorised examiner acting under this section, or fails to comply with a requirement of this section or Schedule 3 to this Act, he shall be guilty of an offence.
- (5) In this section and in Schedule 3 to this Act "test" includes "inspect" or "inspection", as the case may require, and references to a vehicle include references to a trailer drawn thereby.

54 Remedying of defects discovered on roadside tests

- (1) Where on testing a motor vehicle under section 53 of this Act it appears to an authorised examiner that there is a defect in the vehicle by reason that the vehicle does not comply with a construction and use requirement applicable to the vehicle, he may, whether or not the requirement is one mentioned in subsection (1) of that section and whether or not proceedings are instituted for a breach of the requirement, give a notice in writing to the person who is then the owner of the vehicle specifying the defect and the requirement in question and requiring him to give to the Secretary of State within the permitted period a certificate complying with subsection (3) below or a declaration complying with subsection (4) below.
- (2) On testing a motor vehicle as aforesaid an authorised examiner may require the person in charge of the vehicle to state whether he is the owner of the vehicle and, if he is not the owner, the name and address of the owner.
- (3) A certificate under this section shall contain—
- (a) a statement signed by the person to whom the notice under this section was given that he has taken steps to secure that repairs for the purpose of remedying the defects specified in the notice have been carried out at a vehicle

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- testing station or to secure that the vehicle has been examined at such a station for the purpose of ascertaining whether any such repairs have been carried out; and
- (b) a statement signed by a person having power to carry out examinations at such a station under section 43 of this Act that the signatory has either carried out any such repairs or examined the vehicle for the purpose of ascertaining whether those repairs have been carried out and that in his opinion the vehicle complies with the construction and use requirement specified in the notice.
- (4) A declaration under this section shall be signed by the person to whom the notice under this section was given and shall state that he has sold or disposed of his interest in the vehicle to which the notice relates or that he does not intend to use it thereafter on a road in Great Britain.
- (5) A person who, having been given a notice under this section, fails to give a certificate or declaration under this section within the permitted period to the Secretary of State shall be guilty of an offence.
- (6) A person who fails to comply with a requirement imposed on him by an authorised examiner under subsection (2) above shall be guilty of an offence.
- (7) The Secretary of State may by regulations make provision with respect to the examination of vehicles for the purpose of ascertaining whether any such repairs as are mentioned in subsection (3)(a) above have been carried out and with respect to the making of statements under subsection (3)(b) above and, in particular, any such regulations—
- (a) may prescribe the manner in which, conditions under which and apparatus with which such examinations are carried out and make provision with respect to the maintenance of that apparatus in an efficient state, and with respect to the inspection of premises at which and apparatus with which such examinations are being, or are to be, carried out;
- (b) may prescribe the manner in which applications may be made for such examinations or for such statements ;
- (c) shall give a right of appeal to any person aggrieved by the refusal of a person mentioned in subsection (3)(b) above to sign a certificate under that paragraph and shall prescribe the manner in which and time within which appeals under the regulations may be brought;
- (d) may prescribe the information to be supplied and documents to be produced on such an application, examination or appeal;
- (e) may prescribe the fees to be paid on such an application or appeal, and the repayment of the whole or of part of the fee paid on such appeal where it appears to the Secretary of State that there were substantial grounds for appeal;
- (f) may prescribe the form of notices, certificates and declarations under this section and of notices of appeal and other documents required for the purposes of this section; and
- (g) may make different provision for different cases.
- (8) In this section " permitted period " means a period of twenty-eight days beginning with the date of the notice under this section or such longer period as the Secretary of State may, on the application of the owner of a motor vehicle, specify in writing.

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55 Tests to check whether defects have been remedied

- (1) Where a certificate has been given under section 54 of this Act with respect to a motor vehicle, the Secretary of State may, within the period of thirty days beginning with the date on which he receives the certificate, require the person who is the owner of the vehicle at the time of the requirement to make the vehicle available for a further test by an officer of the Secretary of State and for that purpose may request that person to specify—
 - (a) a period of seven days within which the examination is to take place, being a period falling within the period of thirty days beginning with the date of the requirement, disregarding any day in which the vehicle is outside Great Britain ; and
 - (b) a place, or if that person thinks fit, a local government area, where the test may conveniently be carried out.
- (2) Where a vehicle is made available under subsection (1) above for a further test, any officer of the Secretary of State may test and inspect it for the purpose of ascertaining whether any defect specified in the notice relating to it under the said section 54 has been remedied.
- (3) Section 54 of this Act shall apply in relation to a test under this section as it applies in relation to a test under section 53 thereof with the substitution for references to an authorised examiner of references to an officer of the Secretary of State.
- (4) Paragraphs 3 and 4 of Schedule 3 to this Act shall apply in relation to a test under this section as they apply in relation to a deferred test, subject to the following modifications, that is to say—
 - (a) for references therein to the foregoing provisions of that Schedule there shall be substituted references to subsection (1) above;
 - (b) in those paragraphs " owner " shall have the meaning assigned by section 196 of this Act and not the meaning assigned by paragraph 5 of that Schedule; and
 - (c) for the reference in paragraph 3 to premises there shall be substituted a reference to a place.
- (5) If a person obstructs an officer of the Secretary of State acting under this section, or fails to comply with a requirement of this section or of paragraphs 3 and 4 of the said Schedule 3 as applied by this section, he shall be guilty of an offence.
- (6) Any station or apparatus provided and maintained under section 43(5) of this Act by the Secretary of State or a council designated for the purposes of that section may be used by the Secretary of State or that council, as the case may be, for the carrying out of examinations for the purpose of ascertaining whether any such repairs as are mentioned in section 54(3)(a) of this Act have been carried out and for the carrying out of tests and inspections under this section.
- (7) In subsection (1) above " local government area " means, as respects England and Wales, a county borough, a county district or Greater London and, as respects Scotland, a county or burgh.

56 Power to inspect goods vehicles to secure proper maintenance

- (1) For the purpose of securing that goods vehicles are maintained in a fit and serviceable condition and that, in relation to goods vehicles, the provisions of this Part of this Act

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(except section 59) and of Part V of the Transport Act 1968 are observed, the Secretary of State shall appoint such examiners as he considers necessary.

In this section and sections 57 and 58 of this Act " goods vehicle examiner" means an examiner appointed under this subsection or a certifying officer appointed under Part III of the Road Traffic Act 1960.

- (2) A goods vehicle examiner—
 - (a) may at any time, on production if so required of his authority, enter and inspect any goods vehicle, and for that purpose detain the vehicle during such time as is required for the inspection ;
 - (b) may at any time which is reasonable having regard to the circumstances of the case enter any premises on which he has reason to believe that a goods vehicle is kept.
- (3) A person who obstructs a goods vehicle examiner in the performance of his duty under subsection (2) above shall be guilty of an offence.
- (4) A goods vehicle examiner or a constable in uniform may at any time require any person in charge of a stationary goods vehicle on a road to proceed with the vehicle for the purpose of having it inspected under this section to any place where an inspection can be suitably carried out (not being more than one mile from the place where the requirement is made).
- (5) A person in charge of a goods vehicle who refuses or neglects to comply with a requirement made under subsection (4) above shall be guilty of an offence.

57 Power to prohibit the driving of unfit goods vehicles

- (1) If on any inspection of a goods vehicle under section 56 of this Act or on an examination of such a vehicle under regulations under section 45 or 50 of this Act it appears to a goods vehicle examiner that the vehicle, owing to any defects therein is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road either absolutely or for a specified purpose.
- (2) Where a goods vehicle examiner prohibits the driving of a vehicle under subsection (1) above, he shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection, specifying the defects which occasioned the prohibition, stating whether the prohibition is on all driving of the vehicle or driving it for a specified purpose (and if the latter specifying the purpose) and stating whether the prohibition is to come into force immediately or at the end of a specified period.
- (3) A prohibition under subsection (1) above with respect to any vehicle shall, subject to any exemption granted under subsection (5) below, come into force as soon as notice thereof has been given under subsection (2) above, if in the opinion of the examiner the defects in the vehicle are such that driving it, or driving it for any purpose specified in the notice, will create an immediate risk to public safety, and the prohibition shall thereafter continue in force until it is removed under section 58 of this Act.
- (4) In any other case a prohibition under subsection (1) above shall, unless previously removed under the said section 58 and subject to any exemption under subsection (5) below, come into force at such time not later than ten days from the date of the inspection as seems appropriate to the examiner having regard to all the circumstances, and shall thereafter continue in force until it is so removed.

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- (5) Where a notice has been given under subsection (2) above any examiner may grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose as may be specified in the exemption.
- (6) Where any such notice has been given an examiner may by endorsement on the notice vary its terms and, in particular, alter the time at which the prohibition is to come into force or suspend it if it has come into force.
- (7) Where a goods vehicle has been weighed in pursuance of a requirement imposed under section 160 of this Act and it appears to a goods vehicle examiner, to a person authorised with the consent of the Secretary of State to act for the purposes of this subsection by a highway authority other than the Secretary of State or to a constable authorised to act for those purposes by or on behalf of a chief officer of the police—
- (a) that the limit imposed by construction and use requirements with respect to any description of weight which is applicable to that vehicle has been exceeded; and
 - (b) that as a result there would be an immediate risk to public safety if it were used on a road,
- the person to whom it so appears may, whether or not a notice is given under subsection (2) above, give notice in writing to the person in charge of the vehicle prohibiting the driving of the vehicle on a road until that weight is reduced to that limit.
- (8) On giving a notice under subsection (2) or (7) above to a person in charge of a vehicle, the person giving the notice shall as soon as practicable take steps to bring the contents of the notice to the attention—
- (a) of the owner of the vehicle if he was not in charge of it at the time when the notice was given ; and
 - (b) in the case of an authorised vehicle within the meaning of Part V of the Transport Act 1968, of the licensing authority by whom the operators' licence (within the meaning of the said Part V) was granted for the vehicle.
- (9) A person who drives a goods vehicle on a road, or causes or permits a goods vehicle to be so driven, in contravention of a prohibition under this section, shall be guilty of an offence.
- (10) The Secretary of State may by regulations exempt from subsection (9) above the use of vehicles for such purposes as may be prescribed.
- (11) A goods vehicle examiner shall, in exercising his functions under this section, act under the general directions of the Secretary of State and, without prejudice to the foregoing, shall, in exercising his functions under subsection (5) above, act in accordance with any directions given by the Secretary of State with respect to the exercise of those functions in any particular case.
- (12) Any reference in this section to the driving of a vehicle is, in relation to a trailer, a reference to the driving of the vehicle by which the trailer is drawn.

58 Removal of prohibition of driving of unfit goods vehicle

- (1) A prohibition under section 57 of this Act may be removed by any goods vehicle examiner if he is satisfied that the vehicle is fit for service.
- (2) A person aggrieved by the refusal of an examiner appointed under section 56(1) of this Act to remove a prohibition may make an application to any licensing authority to

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have the vehicle inspected by a certifying officer appointed under Part III of the Road Traffic Act 1960, and, where any such application is made, the certifying officer, on the matter being referred to him, shall, if he considers that the vehicle is fit for service, remove the prohibition.

- (3) A person aggrieved by the refusal of a certifying officer to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Secretary of State, who shall have power to make such order on the appeal as he thinks fit; and any such order shall be binding on the certifying officer.
- (4) Where a goods vehicle examiner removes a prohibition, he shall forthwith give notice of the removal to the owner of the vehicle and, in the case of an authorised vehicle within the meaning of Part V of the Transport Act 1968, to the licensing authority by whom the operators' licence (within the meaning of the said Part V) was granted for the vehicle.
- (5) The Secretary of State may provide and maintain stations where inspections of goods vehicles for the purposes of this section may be carried out and may provide and maintain the apparatus for carrying out such examinations.
- (6) The Secretary of State may make regulations for prescribing anything which may be prescribed under subsection (3) above and for regulating the procedure on appeals to him under that subsection.
- (7) A licensing authority may hold such inquiries as he thinks necessary for the proper exercise of his functions under this section.

59 Operators' duty to inspect, and keep records of inspections of, goods vehicles

- (1) The Secretary of State may make regulations requiring the operator for the time being of a goods vehicle to which the regulations apply to secure—
 - (a) the carrying out by a suitably qualified person (including the operator if so qualified) of an inspection of the vehicle for the purpose of ascertaining whether the construction and use requirements with respect to any prescribed matters, being requirements applicable to the vehicle, are complied with ;
 - (b) the making and authentication of records of such matters relating to any such inspection as may be prescribed, including records of the action taken to remedy any defects discovered on the inspection ;and providing for the preservation of such records for a prescribed period not exceeding fifteen months and their custody and production during that period.
- (2) Regulations under this section may—
 - (a) apply to all goods vehicles or to goods vehicles of such classes as may be prescribed ;
 - (b) require the inspection of goods vehicles under the regulations to be carried out at such times, or before the happening of such events, as may be prescribed;
 - (c) make different provision for different cases.
- (3) Any person who contravenes or fails to comply with any provision of regulations under this section shall be guilty of an offence.
- (4) In this section " the operator ", in relation to a goods vehicle, means the person to whom it belongs or the hirer thereof under a hire-purchase agreement, except where he has let it on hire (otherwise than by way of hire-purchase) or lent it to any other person

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and in the said excepted case means a person of a class prescribed by regulations under this section in relation to any particular class of goods vehicles or, subject to any such regulations, that other person.

- (5) In any proceedings for a contravention of or failure to comply with construction and use requirements or regulations under this section, any record purporting to be made and authenticated in accordance with regulations under this section shall be evidence (and in Scotland sufficient evidence) of the matters stated in the record and of its due authentication.

60 Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy

- (1) Subject to the provisions of this section it shall not be lawful to sell, or to supply, or to offer to sell or supply, a motor vehicle or trailer for delivery in such a condition that the use thereof on a road in that condition would be unlawful by virtue of any provision made by regulations under section 40 of this Act as respects brakes, steering gear or tyres or as respects the construction, weight or equipment of vehicles, or in such a condition, as respects lighting equipment or reflectors or the maintenance thereof, that it is not capable of being used on a road during the hours of darkness without contravention of the requirements imposed by law as to obligatory lamps or reflectors.
- (2) Subject to the provisions of this section it shall not be lawful to alter a motor vehicle or trailer so as to render its condition such that the use thereof on a road in that condition would be unlawful by virtue of any provision made as respects the construction, weight or equipment of vehicles by regulations under the said section 40.
- (3) If a motor vehicle or trailer is sold, supplied, offered or altered in contravention of the provisions of this section, any person who so sells, supplies, offers or alters it, or causes or permits it to be so sold, supplied, offered or altered, shall be guilty of an offence.
- (4) A person shall not be convicted of an offence under this section in respect of the sale, supply, offer or alteration of a motor vehicle or trailer if he proves—
- (a) that it was sold, supplied, offered or altered, as the case may be, for export from Great Britain, or
 - (b) that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain, or would not be so used until it had been put into a condition in which it might lawfully be so used, or
 - (c) in the case of a vehicle or trailer the sale, supply or offer of which is alleged to be unlawful by reason of its condition as respects lighting equipment or reflectors or the maintenance thereof, that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain during the hours of darkness until it had been put into a condition in which it might be so used during those hours without contravention of the requirements imposed by law as to obligatory lamps or reflectors.
- (5) Nothing in the foregoing provisions of this section shall affect the validity of a contract or any rights arising under a contract.
- (6) In this section " obligatory lamps or reflectors " means, in relation to a motor vehicle or trailer, the lamps or reflectors required by law to be carried thereon while it is on a road during the hours of darkness and when it is neither drawing nor being drawn by another vehicle, except that the said expression does not, in the case of a motor vehicle, include any lamps or reflectors required to be carried by virtue of section 79

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of this Act, or, in the case of a trailer, include any lamps or reflectors so required to be carried or any lamps showing a white light to the front

61 Testing condition of used vehicles at sale rooms, etc.

- (1) An authorised examiner may at any reasonable hour enter premises where used motor vehicles or trailers are sold, supplied, or offered or kept for sale or supply, in the course of a business and test and inspect any used motor vehicle or trailer found thereon for the purpose of ascertaining whether it is in any such condition as is mentioned in section 60(1) of this Act, and for the purpose of testing a motor vehicle and any trailer drawn by it may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.
- (2) If any person obstructs an authorised examiner acting under this section he shall be guilty of an offence.
- (3) In this section an authorised examiner means a person who may act as an authorised examiner for the purposes of section 53 of this Act; and any such person, other than a constable in uniform, shall produce his authority to act for the purposes of that section if required to do so.
- (4) A motor vehicle or trailer shall be treated as used for the purposes of this section if, but only if, it has previously been sold or supplied by retail.

62 Goods vehicles not to be sold without required manufacturer's or Minister's approval certificate

- (1) If any person at any time on or after the day appointed by regulations under section 51(1) of this Act sells, supplies or offers to sell or supply a goods vehicle of a class to which those regulations apply and it does not appear from one or more certificates in force at that time under section 47 of this Act that the vehicle complies with all the relevant type approval requirements prescribed by those regulations, he shall be guilty of an offence.
- (2) A person shall not be convicted of an offence under this section in respect of the sale, supply or offer of a vehicle if he proves—
 - (a) that it was sold, supplied or offered, as the case may be, for export from Great Britain;
 - (b) that he had reasonable cause to believe that it would not be used on a road in Great Britain or would not be so used until it had been certified as aforesaid; or
 - (c) that he had reasonable cause to believe that it would only be used for purposes or in any area prescribed by the Secretary of State under section 46(5) or 51(5) of this Act.
- (3) Nothing in subsection (1) above shall affect the validity of a contract or any rights arising under or in relation to a contract.

63 Approval marks

- (1) Where any international agreement to which the United Kingdom is a party provides—
 - (a) for markings to be applied—
 - (i) to motor vehicle parts of any description to indicate conformity with a type approved by any country; or

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- (ii) to a motor vehicle to indicate that the vehicle is fitted with motor vehicle parts of any description and either that the parts conform with a type approved by any country or that the vehicle is such that as so fitted it conforms with a type so approved ; and
 - (b) for motor vehicle parts or, as the case may be, motor vehicles, bearing those markings to be recognised as complying with the requirements imposed by the law of another country;
- the Secretary of State' may by regulations designate the markings as approval marks, and any markings so designated shall be deemed for the purposes of the Trade Descriptions Act 1968 to be a trade description, whether or not the markings fall within the definition of that expression in section 2 of that Act.
- (2) Any person who, without being authorised by the competent authority to apply any approval mark, applies that mark or a mark so nearly resembling it as to be calculated to deceive shall be guilty of an offence under the Trade Descriptions Act 1968, whether or not he would be guilty of such an offence apart from this subsection.
 - (3) The conditions subject to which approval of any type may be given on behalf of the United Kingdom or the use of approval marks indicating conformity with a type approved by the United Kingdom may be authorised may include such conditions as to testing or inspection and the payment of fees as the Secretary of State may impose.
 - (4) In this section—
 - " motor vehicle " means a mechanically propelled vehicle or a vehicle designed or adapted for towing by a mechanically propelled vehicle,
 - " motor vehicle part " means any article made or adapted for use as part of a mechanically propelled vehicle or a vehicle drawn by a mechanically propelled vehicle, or for use as part of the equipment of any such vehicle, and shall be treated as including any equipment for the protection of drivers or passengers in or on a motor vehicle notwithstanding that it does not form part of, or of the equipment of, that vehicle; and
 - " the competent authority " means,—
 - (a) as respects any approval mark indicating conformity with a type approved by the United Kingdom, the Secretary of State; and
 - (b) as respects any approval mark indicating conformity with a type approved by any other country, the authority having power under the law of that country to authorise the use of that mark.

64 Provisions as to proceedings for certain offences in connection with goods vehicles

- (1) If in any proceedings for an offence under section 40(5) of this Act any question arises as to a weight of any description specified in the plating certificate for a goods vehicle, and a weight of that description is marked on the vehicle, it shall be assumed, unless the contrary is proved, that the weight marked on the vehicle is the weight so specified.
- (2) If in any proceedings for an offence under this Part of this Act except sections 44 and 60 any question arises as to the date of manufacture of a goods vehicle, a date purporting to be such a date and marked on the vehicle in pursuance of regulations under this Part of this Act shall be evidence (and in Scotland sufficient evidence) that the vehicle was manufactured on the date so marked.

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- (3) If in any proceedings for the offence of driving a goods vehicle on a road, or causing or permitting a goods vehicle to be so driven, in contravention of a prohibition under section 57(7) of this Act any question arises whether a weight of any description has been reduced to a limit imposed by construction and use requirements, the burden of proof shall lie on the accused.
- (4) If in any proceedings in Scotland for an offence under the Road Traffic Regulation Act 1967 or this Act any question arises as to a weight of any description in relation to a goods vehicle, a certificate purporting to be signed by an inspector of weights and measures and certifying the accuracy of a weighbridge or other machine for weighing vehicles shall be sufficient evidence of the facts stated therein, and where the inspector is called as a witness his evidence shall be sufficient evidence of the aforesaid facts.

In this subsection "inspector of weights and measures" has the same meaning as in the Weights and Measures Act 1963, except that it includes a chief inspector within the meaning of that Act.

65 Restriction on number of trailers drawn

- (1) Subject to subsection (2) below, the number of trailers, if any, which may be drawn by a motor vehicle on a highway shall not exceed—
 - (a) in the case of a heavy locomotive or light locomotive, three;
 - (b) in the case of a motor tractor, one, if laden, or two, if unladen;
 - (c) in the case of a motor car or a heavy motor car, one;or such less number as may be prescribed in relation to vehicles of the respective classes aforesaid by regulations made by the Secretary of State, and different regulations may be made under this subsection as respects vehicles of those classes in different circumstances.
- (2) Regulations under subsection (1) above may substitute, in the case of such trailers or in such circumstances as may be specified in the regulations, two for one as the number of trailers that may be drawn by any class of vehicle so specified.
- (3) For the purposes of this section the expression "trailer" shall not include a vehicle used solely for carrying water for the purposes of the drawing vehicle or an agricultural vehicle not constructed to carry a load.
- (4) Where—
 - (a) a motor car or heavy motor car is, in consequence of a breakdown, being drawn by another motor vehicle, and
 - (b) a trailer is so attached to the car that part of the trailer is superimposed on the car and that, when the trailer is uniformly loaded, not less than twenty per cent. of the weight of its load is borne by the car,then, if the trailer is unladen the car and trailer shall for the purposes of this section be treated as a single trailer.
- (5) If a person causes or permits a trailer to be drawn in contravention of this section he shall be guilty of an offence.

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Provisions as to pedal cycles and horse-drawn vehicles

66 Regulation of brakes, bells, etc., on pedal cycles

- (1) The Secretary of State may make regulations as to the use on roads of cycles, not being motor vehicles, their construction and equipment and the conditions under which they may be so used and, in particular, but without prejudice to the generality of the foregoing provision, as to—
 - (a) the number, nature and efficiency of brakes and their maintenance in proper working order;
 - (b) the appliances to be fitted for signalling approach and their maintenance in proper working order; and
 - (c) the testing and inspection, by persons authorised under the regulations, of any equipment prescribed under this subsection and of lighting equipment and reflectors.
- (2) Regulations under this section may provide for repealing byelaws dealing with the same subject matter as the regulations, and for suspending while the regulations remain in force any power of making such byelaws.
- (3) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.
- (4) Regulations under this section as to the use on roads of cycles may prohibit the sale or supply, or the offer of a sale or supply, of a cycle for delivery in such a condition that the use thereof on a road in that condition would be a contravention of the regulations, but no provision made by virtue of this subsection shall affect the validity of any contract or any rights arising under a contract.
- (5) If a person sells, supplies or offers to sell or supply a cycle in contravention of any prohibition imposed by regulations made by virtue of subsection (4) above he shall be guilty of an offence, unless he proves—
 - (a) that it was sold, supplied or offered for export from Great Britain; or
 - (b) that he had reasonable cause to believe that it would not be used on a road in Great Britain, or would not be so used until it had been put into a condition in which it might lawfully be so used.

67 Regulation of brakes on horse-drawn vehicles

- (1) The Secretary of State may make regulations for regulating the number, nature and use of brakes, including skid-pans and locking-chains, in the case of vehicles drawn by horses or other animals, or any class of such vehicles, when used on roads.
- (2) Regulations under this section may be made for securing that such brakes shall be efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere.
- (3) Regulations under this section may provide for repealing byelaws dealing with the same subject matter as the regulations, and for suspending while the regulations remain in force any power of making such byelaws.
- (4) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

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Provisions as to lighting of vehicles

68 Obligatory front and rear lamps and headlamps

- (1) Subject to the following provisions of this Part of this Act and of any regulations made thereunder by the Secretary of State, every vehicle on a road shall, without prejudice to the requirements of subsection (2) below, during the hours of darkness carry—
 - (a) two lamps, each showing to the front a white light visible from a reasonable distance ; and
 - (b) two lamps, each showing to the rear a red light visible from a reasonable distance.
- (2) Subject as aforesaid, every vehicle on a road, being a vehicle of any such class as may be prescribed, shall carry such lamps or lamp designed to illuminate the road as may be prescribed in relation to vehicles of that class.
- (3) Regulations under subsection (2) above may make different provision in relation to vehicles of different classes or in relation to vehicles of any class when used in different circumstances.
- (4) The lamps carried by a vehicle in pursuance of this section shall be kept lit—
 - (a) in the case of a lamp carried in pursuance of subsection (1) above, while the vehicle is on a road during the hours of darkness;
 - (b) in the case of a lamp carried in pursuance of subsection (2) above, in such circumstances when the vehicle is in motion on a road during the hours of darkness as may be prescribed.
- (5) The lamps carried by a vehicle in pursuance of subsections (1) and (2) above shall comply with such conditions as may be prescribed and shall, while the vehicle is on a road during the hours of darkness, be attached to the vehicle in such position and manner as may be prescribed.
- (6) The lamps carried by a vehicle in pursuance of subsection (1) above shall, while the vehicle is on a road during the hours of darkness, be kept properly trimmed and in a clean and efficient condition.
- (7) It shall be the duty of any person who causes or permits a vehicle to be on any road during the hours of darkness to provide the vehicle with lamps in accordance with the requirements of this and the following sections of this Part of this Act and of any regulations made under those sections (other than section 79).
- (8) In this and the following sections of this Part of this Act, " vehicle ", unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether by animal or mechanical power.

69 Obligatory reflectors

- (1) Subject to the following provisions of this Part of this Act, every vehicle on a road shall during the hours of darkness carry attached to it two unobscured and efficient red reflectors each facing to the rear.
- (2) It shall be the duty of any person who causes or permits a vehicle to be on any road during the hours of darkness to provide the vehicle with reflectors in accordance with

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the requirements of this section and any regulations made for the purposes thereof under the following provisions of this Part of this Act.

70 Restriction on the nature of the lamps to be carried

- (1) No vehicle shall, subject to the provisions of section 79 of this Act and of any regulations made under section 78(5) thereof, show—
 - (a) a red light to the front, or
 - (b) any light to the rear, other than a red light or a white light for the purpose of reversing.
- (2) Paragraph (b) of subsection (1) above shall not prevent a vehicle from carrying a lamp showing a light to the rear for the purposes of—
 - (a) the internal illumination of the vehicle, or
 - (b) (subject to subsection (3) below) illuminating a number plate, taxi meter, or any device for giving signals to overtaking traffic, or
 - (c) in the case of a public passenger vehicle, illuminating boards, plates or devices indicating the route or destination of the vehicle ;and the said paragraph (b) shall not prevent a bicycle or tricycle from carrying amber coloured reflectors which are attached to or incorporated in or form part of the pedals of the bicycle or tricycle notwithstanding that any such reflectors show a light to the rear.
- (3) Subsection (2)(b) above shall not authorise a vehicle of any class to carry a lamp showing a light to the rear for the purpose of illuminating any device for giving signals to overtaking traffic other than a device of a type required or authorised to be carried on a vehicle of that class by virtue of section 40 of this Act.

71 Restriction on movement of lamps

- (1) Unless otherwise provided by the Secretary of State by regulation, and subject to subsection (2) below, no light shown by a vehicle, other than a dipping headlight, shall be moved by swivelling, deflecting or otherwise while the vehicle is in motion.
- (2) Subsection (1) above shall not apply to amber coloured reflectors which are attached to or incorporated in or form part of the pedals of a bicycle or tricycle.

72 Multi-purpose lamps and combined lamps and reflectors

- (1) Subject to subsection (2) below, nothing in sections 68 to 78 of this Act shall require a vehicle to carry separate lamps for different purposes, if it carries a lamp satisfying all the requirements which would be applicable to separate lamps carried by it for those purposes.
- (2) Subsection (1) above shall not apply in relation to any requirement to carry a headlamp under section 68(2) of this Act, but regulations may authorise the combination in a single unit of such a lamp and a lamp required to be carried by section 68(1)(a) of this Act.
- (3) Where a vehicle's tail lamp is so constructed that, when not showing a light, it is an efficient red reflector facing to the rear and complying with any regulations made for the purposes of section 69 of this Act and for the purposes of this subsection which

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apply to the vehicle, it shall be treated for those purposes as being such a reflector when it is, as well as when it is not, showing a light.

73 Regulation of position, character, use, etc., of lamps and reflectors

- (1) The Secretary of State may by regulations prescribe the conditions to be complied with by any of the following lamps carried by a vehicle, namely—
- (a) any lamp showing a light to the front;
 - (b) any lamp showing a white light to the rear for the purpose of reversing ; and
 - (c) any lamp carried in pursuance of any of the provisions of sections. 68 to 78 of this Act or of any regulations made thereunder and showing a red light to the rear;

and, without prejudice to the foregoing, the conditions subject to which the lamps described in paragraphs (a) and (b) above may be used.

- (2) Regulations under subsection (1) above may make different provision in relation to vehicles of different classes or in relation to vehicles of the same class in different circumstances.
- (3) The conditions which may be prescribed by regulations under subsection (1) above as conditions to be complied with by any lamp shall include conditions with respect to—
- (a) position and manner of attachment to the vehicle;
 - (b) power, intensity, colour and angle of projection of light;
 - (c) height, width and range of illumination of beam;
 - (d) provision for obscuration or deflection of light or beam ;

and such regulations may provide for the method by which the height, width or range of illumination of a beam is to be ascertained.

- (4) Regulations under subsection (1) above may make special provision, in relation to any class of vehicle, as to the position in which a lamp carried for the purposes both of paragraph (a) and of paragraph (b) of section 68(1) of this Act is to be attached; and in a case for which special provision is so made the reference in section 72(1) of this Act to the requirements which would be applicable to separate lamps shall not include the requirements of any regulations as to the position of a separate lamp carried for the purposes of the said paragraph (a) or (b).
- (5) The Secretary of State may by regulations prescribe the conditions to be complied with by any reflector carried in pursuance of any of the provisions of sections 69 to 78 of this Act or of any regulations made thereunder, and the position and manner in which it is to be attached; and any regulations made under this subsection may make different provision in relation to vehicles of different classes or in relation to vehicles of the same class in different circumstances.

74 Bicycles, tricycles and invalid carriages

In the application of sections 68 to 73 of this Act (except so far as those sections relate to any head lamps required to be carried under section 68(2) thereof) to bicycles, tricycles and invalid carriages the following modifications shall apply:—

- (a) in the case of a bicycle not having a side-car attached thereto, whether propelled by mechanical power or not, or of a tricycle not propelled by mechanical power, or of an invalid carriage, only a single lamp showing a white light to the front instead of two such lamps need be carried ;

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- (b) in the case of a bicycle or tricycle not propelled by mechanical power, or of a bicycle propelled by mechanical power and not having a side-car attached thereto—
 - (i) only a single lamp showing a red light to the rear instead of two such lamps, and
 - (ii) only a single red reflector instead of two such reflectors,
 need be carried;
- (c) in the case of a bicycle not having a side-car attached thereto, whether propelled by mechanical power or not, or of a tricycle not propelled by mechanical power, no lamp need be carried if the bicycle or tricycle is being wheeled by a person on foot as near as possible to the near or left hand edge of the carriageway;
- (d) in the case of a bicycle or tricycle not propelled by mechanical power, no light required by the said sections 68 to 73 need be shown, if the bicycle or tricycle is stationary owing to the exigencies of the traffic or in order to comply with any traffic signal or direction, and the bicycle or tricycle is as near as possible to the near or left hand edge of the carriageway:

Provided that the provisions of paragraph (d) above shall have effect only until such day as the Secretary of State may by order made by statutory instrument appoint.

75 Horse-drawn agricultural vehicles

- (1) In the application of sections 68 to 73 of this Act (except so far as those sections relate to any head lamps required to be carried under section 68(2) thereof) to vehicles drawn by horses or other animals the following modifications shall apply:—
 - (a) any vehicle engaged for the time being in carrying agricultural produce of an inflammable nature in the course of the internal operations of a farm shall be exempted from carrying lamps ;
 - (b) without prejudice to paragraph (a) above, in the case of an agricultural implement or of any vehicle used for the time being by a person engaged in agriculture for the conveyance of his agricultural produce or articles required by him for use in agriculture—
 - (i) only one lamp showing a light to the front need be carried, and that lamp shall be attached to the off or right hand side of the vehicle, and
 - (ii) subject to the provisions of section 76 of this Act, a lamp showing a red light to the rear need not be carried.
- (2) In this section " agriculture " includes the use of land as meadow land or pasture land, or orchard land or for market gardens or allotments, but does not include the use of land as woodlands, and " agricultural" shall be construed accordingly.

76 Vehicles carrying overhanging or projecting loads

- (1) Without prejudice to sections 68 to 75 of this Act, where a vehicle on a road during the hours of darkness carries a load overhanging laterally on any side more than twelve inches from the centre of the outermost of the lamps showing a white light to the front on that side, the vehicle shall carry, in substitution for or in addition to that lamp, a lamp showing to the front a white light visible from a reasonable distance and in such a position that no part of the load overhangs laterally more than twelve inches beyond a vertical line through the centre of the substituted or additional lamp.

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- (2) Subject to subsection (3) below, where a vehicle on a road during the hours of darkness carries a load projecting to the rear more than three and a half feet behind its tail lamp, the vehicle shall carry a rear lamp in such a position that no part of the load projects to the rear more than three and a half feet behind that rear lamp.

In this section " rear lamp " means a lamp showing to the rear a red light visible from a reasonable distance.

- (3) The Secretary of State may by regulations direct that in relation to vehicles of any prescribed class subsection (2) above shall have effect with the substitution, for references to three and a half feet, of references to such longer distance, not being more than six feet, as may be prescribed in respect of vehicles of that class.
- (4) The Secretary of State may by regulations provide that, subject to any prescribed exceptions, where a vehicle on a road during the hours of darkness carries a load overhanging laterally by more than the prescribed distance (measured from such point as may be specified in the regulations), the vehicle shall carry a rear lamp in the prescribed position to indicate the overhang; and any such regulations may apply to a vehicle otherwise exempted from carrying a rear lamp by section 77 of this Act.
- (5) Every rear lamp carried in pursuance of this section or regulations made under it shall comply with the prescribed conditions and shall, subject to subsection (6) below, be carried in addition to the tail lamp.
- (6) The Secretary of State may by regulations exempt a vehicle carrying a rear lamp in pursuance of this section from carrying a tail lamp or from carrying two tail lamps.
- (7) Nothing in section 75(1)(b) of this Act shall exempt any implement or vehicle to which that paragraph applies from complying with subsections (2) to (5) above or any regulations made under them, but in relation to any such implement or vehicle a reference to the red reflectors required by section 69(1) of this Act shall be substituted for the reference in subsection (2) above to the tail lamp.

77 Vehicles towing and being towed

- (1) In the application of sections 68 to 76 of this Act (except so far as those sections relate to any head lamps required to be carried under section 68(2) thereof) in the case of a vehicle drawing one or more vehicles the following modifications shall, subject to the following provisions of this section, apply:—
- (a) lamps showing lights to the front need not be carried on any vehicle being drawn;
 - (b) lamps showing red lights to the rear need not be carried on any of the vehicles except the rearmost vehicle;
 - (c) reflectors facing to the rear need not be carried on any of the vehicles except the rearmost vehicle or a vehicle more than five feet from the vehicle behind it.
- (2) If the distance between any two of the vehicles exceeds five feet, then as respects any light to be shown to the rear the foremost of the two vehicles, and as respects any light to be shown to the front the rearmost of the two vehicles, shall be required to carry the same lamps as if the one were not drawing the other.
- (3) If a vehicle being drawn or any load carried thereon projects laterally on any side more than twelve inches beyond the outermost of the lamps showing a white light to the front on that side carried by the vehicle by which it is being drawn or by any preceding

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vehicle which is also being drawn by the same vehicle, the first-mentioned vehicle shall carry on the side on which the vehicle or its load so projects a lamp showing to the front a white light visible from a reasonable distance in such a position that no part of the vehicle or its load projects laterally more than twelve inches beyond a vertical line through the centre of the lamp required to be carried by this subsection.

- (4) This section shall have effect subject to the provisions of any regulations made under section 76(4) of this Act in the case of any vehicles to which those regulations apply.
- (5) For the purposes of this section, the distance between two vehicles shall be measured between the nearest points of those vehicles, disregarding the drawbar and any fitting for its attachment.

78 Power of exemption and variation of requirements

- (1) The Secretary of State may by regulations exempt either wholly or partly from any of the requirements of sections 68 to 77 of this Act—
 - (a) vehicles while carrying inflammable or explosive goods of a nature specified in the regulations, or when in a place where inflammable or explosive material of a nature so specified is handled or stored, if an application is made for the purpose by any body which in the opinion of the Secretary of State is a body proper to make such an application ;
 - (b) any vehicles used for naval, military or air force purposes;
 - (c) vehicles standing or parked on any road with respect to which a speed limit on the driving of mechanically propelled vehicles is in force by virtue of any enactment, or on any road verge or in any parking place or any stand for hackney carriages;
 - (d) vehicles drawn or propelled by hand.
- (2) The Secretary of State may by regulations add to or vary the requirements of the said sections 68 to 77, and require or permit distinctive lamps to be carried displaying lights of such colour and used under such conditions as may be prescribed, in the case of—
 - (a) vehicles used as public passenger vehicles or any class thereof or as hackney carriages;
 - (b) vehicles used for naval, military, air force or police purposes, or as ambulances, or for any other special purposes mentioned in the regulations ;and where distinctive lamps are so required or permitted, prohibit similar lamps being carried by any other vehicles.
- (3) The Secretary of State may by regulations increase, in relation to vehicles of any class specified in the regulations, the number of tail lamps required by section 68(1)(b) of this Act.
- (4) Regulations made under subsection (3) above may make different provision in relation to vehicles of different classes or in relation to vehicles of any class when used in different circumstances; and any such regulations may modify the provisions of section 74 of this Act so far as it relates to the tail lamps of vehicles to which the regulations apply.
- (5) The Secretary of State may, notwithstanding anything in section 70 of this Act, by regulations make provision—
 - (a) requiring or authorising a light of a prescribed colour to be shown by the prescribed means to the rear of a vehicle of any prescribed class; and

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- (b) where any such light is required or authorised by the regulations to be so shown by means of reflecting or fluorescent material, provision imposing conditions with respect to the material, its position and dimensions.
- (6) Without prejudice to the powers conferred by the foregoing provisions of this section, the Secretary of State may by regulations exempt, either wholly or partly, from the requirements of section 69 of this Act, vehicles of any particular class.
- (7) Regulations under any of the provisions of sections 68 to 77 of this Act or this section granting exemptions from any of the requirements thereof—
 - (a) may grant exemptions from any such requirement in such cases as may be specified in the regulations and subject to such conditions as may be specified in or under the regulations ; and
 - (b) may make different provisions as respects different areas, as respects different classes of vehicles or as respects the same class of vehicles in different circumstances.

79 Power to impose additional requirements for vehicles over prescribed length and trailers

- (1) The Secretary of State may by regulations provide that, subject to any exemptions prescribed by the regulations,—
 - (a) where the length of a vehicle, or the overall length of two or more vehicles of which one is drawing the other or others, inclusive of any load on the vehicle or vehicles, exceeds a length so prescribed, the vehicle or vehicles shall when on a road during the hours of darkness carry such lamps or reflectors each showing a light, or as the case may be facing, to the side as may be so prescribed;
 - (b) a vehicle constructed or adapted so as to be drawn by another vehicle shall when on a road during the hours of darkness carry such lamps each showing a light to the front or the side, or both, as may be prescribed;and any such regulations may prescribe the conditions with which lamps or reflectors carried on a vehicle in pursuance of the regulations must comply and the position and manner in which they are to be attached, and may make different provision in respect of vehicles of different classes or in respect of vehicles of the same class in different circumstances.
- (2) Any lamps or reflectors required to be carried by virtue of this section shall be carried in addition to, and not instead of, those required to be carried by or by virtue of the provisions of sections 68 to 78 of this Act, and accordingly any such lamps or reflectors shall for the purposes of those provisions, and in particular section 70 of this Act, be treated as not showing a light to the front or to the rear.

80 Application of ss.68 to 79 to reflecting material

It is hereby declared for the avoidance of doubt that material designed primarily to reflect white light as light of that or another colour is, when reflecting light, to be treated for the purposes of sections 68 to 79 of this Act as showing a light, and material capable of reflecting an image is not, when reflecting the image of a light, to be so treated.

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81 Offences

- (1) If any person causes or permits any vehicle to be on any road in contravention of any of the provisions of sections 68 to 79 of this Act or of regulations made thereunder or otherwise fails to comply with any of those provisions he shall be guilty of an offence:

Provided that it shall be a defence for a person driving or being in charge of a vehicle who is charged with an offence under this subsection to prove to the satisfaction of the court that the offence arose through the negligence or default of some other person whose duty it was to provide the vehicle with any lamp or reflector.

- (2) If any person sells, or offers or exposes for sale, any appliance adapted for use as a reflector or tail lamp to be carried on a vehicle in accordance with the provisions of this Act or of any regulations made thereunder, not being an appliance which complies with the conditions prescribed under sections 68 to 79 of this Act for a class of vehicles for which the appliance is adapted, he shall be guilty of an offence.

Supplementary

82 Interpretation of Part II

In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

" construction and use requirement " has the meaning assigned to it in section 40(7) of this Act;

" goods vehicle test certificate " has the meaning assigned to it in section 45(1) of this Act;

" hours of darkness " means the time between half-an-hour after sunset and half-an-hour before sunrise;

" licensing authority " means a licensing authority for the purposes of Part V of the Transport Act 1968;

" manufacturer's certificate " has the meaning assigned to it in section 47(5) of this Act;

" Minister's approval certificate " has the meaning assigned to it in section 47(8) of this Act;

" plating certificate " has the meaning assigned to it in section 45(1) of this Act;

" prescribed " means prescribed by regulations made by the Secretary of State;

" public passenger vehicle " means a vehicle (other than a tramcar) carrying passengers for hire or reward on roads;

" sold or supplied by retail " means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of re-supply for a valuable consideration;

" tail lamp " means, in relation to a vehicle, any lamp carried attached to the vehicle for the purpose of showing a red light to the rear in accordance with section 68(1)(b) of this Act or regulations under any of sections 68 to 79 thereof;

" test certificate " has the meaning assigned to it in section 43(2) of this Act;

" traffic area " has the same meaning as in Part III of the Road Traffic Act 1960 ;

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" type approval certificate " has the meaning assigned to it in section 47(4) of this Act;

83 Administrative expenses, appointment of officials and destination of fees

- (1) Any expenses incurred by the Secretary of State by virtue of sections 43, 45, 47 to 50 or 57 shall be defrayed out of moneys provided by Parliament.
- (2) Subject to the consent of the Civil Service Department as to number, the Secretary of State may appoint such officers and servants as he considers necessary for the operation of the provisions of sections 56 to 58 of this Act.
- (3) There shall be paid to goods vehicle examiners appointed for the purposes of the said sections 56 to 58 such remuneration or salaries and such allowances, if any, as the Secretary of State may, with the consent of the Treasury, determine.
- (4) In every year there shall be paid out of moneys provided by Parliament such sums as the Secretary of State may, with the consent of the Treasury, direct in respect of remuneration, salaries and allowances under subsection (3) above and the other expenses of examiners.
- (5) Any sum received by the Secretary of State in pursuance of sections 43, 45, 47 to 50 or 63 of this Act shall be paid into the Consolidated Fund.

PART III

LICENSING OF DRIVERS OF VEHICLES

Driving licences

84 Drivers of motor vehicles to have driving licences

- (1) It shall be an offence for a person to drive on a road a motor vehicle of any class if he is not the holder of a licence authorising him to drive a motor vehicle of that class.
- (2) It shall be an offence for a person to employ a person to drive on a road a motor vehicle of any class if the person employed is not the holder of a licence authorising him to drive a motor vehicle of that class.
- (3) Notwithstanding the foregoing provisions of this section, a person may, without holding a licence, act as steersman of a motor vehicle, being a vehicle on which a speed limit of five miles per hour or less is imposed by or under section 78 of the Road Traffic Regulation Act 1967, under the orders of another person engaged in the driving of the vehicle who is licensed in that behalf in accordance with the requirements of this Part of this Act and Part IV of this Act, and a person may employ another person who is not the holder of a licence so to act.
- (4) Notwithstanding the foregoing provisions of this section, a person may at any time drive or employ another person to drive a vehicle of any class if—
 - (a) the driver has held and is entitled to obtain a licence to drive vehicles of that class; and
 - (b) an application by the driver for the grant of such a licence for a period which includes that time has been received by the Secretary of State or such a licence

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granted to him has been revoked or surrendered in pursuance of section 89 of this Act; and

- (c) any conditions which by virtue of section 88(2) or (4) of this Act apply to the driving under the authority of the licence of vehicles of that class are complied with;

but the benefit of the foregoing provisions of this subsection shall not extend beyond the date when a licence is granted in pursuance of the application mentioned in paragraph (b) above or, as the case may be, in pursuance of subsection (4) of the said section 89 in consequence of the revocation or surrender so mentioned nor (in a case where a licence is not in fact so granted) beyond the expiration of the period for which it fell to be granted.

- (5) Regulations may provide that a person who becomes resident in Great Britain shall, during the prescribed period after he becomes so resident, be treated for the purposes of subsections (1) and (2) above as the holder of a licence authorising him to drive motor vehicles of the prescribed classes if he satisfies the prescribed conditions and is the holder of a permit of the prescribed description authorising him to drive vehicles under the law of a country outside the United Kingdom; and the regulations may provide for the application of any enactment relating to licences or licence holders, with or without modifications, in relation to any such permit and its holder respectively.

85 Tests of competence to drive

- (1) Subject to the provisions of this Part of this Act as to provisional licences, a licence authorising the driving of motor vehicles of any class shall not be granted to a person unless he satisfies the Secretary of State—
 - (a) that at some time during the period of ten years ending on the date of coming into force of the licence applied for he has passed the test of competence to drive prescribed by virtue of subsection (2) below or a test of competence which under subsection (4) below is a sufficient test, or
 - (b) that within the said period of ten years he has held a licence authorising the driving of vehicles of that class, not being a provisional licence or a licence granted by virtue of section 99(4) of the Road Traffic Act 1960, or
 - (c) that within the said period of ten years he has held a licence granted under a relevant external law to drive vehicles of that class, not being a licence corresponding to a provisional licence or a licence granted under any provision of that law corresponding to the said section 99(4), and is not, at the time of application for the licence, disqualified under that law for holding or obtaining a licence thereunder to drive vehicles of any class.

For the purposes of paragraph (c) above "relevant external law" means the law for the time being in force in Northern Ireland, that for the time being in force in the Isle of Man or that for the time being in force in any of the Channel Islands that corresponds to this Part of this Act.

- (2) Regulations may make provision with respect to the nature of tests of competence to drive for the purposes of this section, to the qualifications, selection and appointment of persons by whom they may be conducted and to the revocation of any appointment, to evidence of the results thereof and generally with respect thereto, and in particular, but without prejudice to the generality of the foregoing provisions, regulations having effect by virtue of this subsection may provide—
 - (a) for requiring a person submitting himself for a test to provide a vehicle for the purposes thereof;

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- (b) for requiring a fee of such amount as may be specified in the regulations to be paid by a person who submits himself for a test or applies for an appointment for a test;
- (c) for ensuring that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself to another test by the same or any other person before the expiration of a period specified in the regulations except under an order made by a court or sheriff under the power conferred by subsection (3) below;

and different regulations may be made with respect to tests of competence to drive different classes of vehicles.

- (3) A magistrates' court acting for the petty sessions area in which a person who has submitted himself for a test of competence to drive resides, or if he resides in Scotland, the sheriff within whose jurisdiction he resides, shall have power on the application" of that person to determine whether the test was properly conducted in accordance with the regulations and, if it appears to the court or sheriff that the test was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another test before the expiration of the period specified for the purposes of subsection (2)(c) above and may order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.
- (4) For the purposes of paragraph (a) of subsection (1) above a test of competence shall be sufficient for the granting of a licence authorising the driving of—
 - (a) vehicles of any class, if at the time the test was passed it authorised the granting of a licence to drive vehicles of that class;
 - (b) vehicles of any classes which are designated by regulations as a group for the purposes of the said paragraph (a), if at the said time the test authorised the granting of a licence to drive vehicles of any class included in the group;and if vehicles of any classes are designated by regulations as a group for the purposes of paragraph (b) of subsection (1) above, a licence authorising the driving of vehicles of a class included in the group shall be deemed for the purposes of the said paragraph (b) to authorise the driving of vehicles of all classes included in the group.
- (5) The last reference in subsection (4) above and the first reference in paragraph (b) of subsection (1) above to a licence do not include a licence which has been revoked in pursuance of section 89(2) of this Act.

86 Repayment of test fees

A fee paid in pursuance of regulations made under section 85(2) of this Act on application for an appointment for a test may be repaid in the following cases and not otherwise, that is to say:—

- (a) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Secretary of State;
- (b) if the person for whom the appointment is made gives such notice cancelling the appointment as may be prescribed for the purposes of this paragraph by regulations made as aforesaid;
- (c) if the person for whom the appointment is made keeps the appointment, but the test does not take place, or is not completed, for reasons attributable neither to him nor to any vehicle provided by him for the purposes of the test; or

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- (d) if an order for the repayment of the fee is made by the court under section 85(3) of this Act pursuant to a finding that the test was not properly conducted in accordance with the regulations.

87 Requirements as to physical fitness of drivers

- (1) An application for the grant of a licence shall include a declaration by the applicant, in such form as the Secretary of State may require, stating whether he is suffering or has at any time (or, if a period is prescribed for the purposes of this subsection, has during that period) suffered from any prescribed disability or from any other disability likely to cause the driving of a vehicle by him in pursuance of the licence to be a source of danger to the public (such prescribed or other disability being hereafter in this section referred to as a "relevant disability").
- (2) If it appears from the declaration aforesaid, or if on inquiry the Secretary of State is satisfied from other information, that the applicant is suffering from a relevant disability, then, subject to the following provisions of this section, the Secretary of State shall refuse to grant the licence.
- (3) The Secretary of State shall not by virtue of subsection (2) above refuse to grant a licence—
 - (a) on account of any relevant disability, if the applicant has at any time passed a relevant test and it does not appear to the Secretary of State that the disability has arisen or become more acute since that time or was, for whatever reason, not disclosed to the Secretary of State at that time ;
 - (b) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence to a person in whose case the disability is appropriately controlled ;
 - (c) on account of any relevant disability other than a disability prescribed for the purposes of this paragraph, if the application is for a provisional licence.
- (4) If as the result of a test of competence to drive the Secretary of State is satisfied that the person who took the test is suffering from a disability such that there is likely to be danger to the public—
 - (a) if he drives any vehicle, or
 - (b) if he drives a vehicle other than a vehicle of a particular construction or design, the Secretary of State shall serve notice in writing to that effect on that person and shall include in the notice a description of the disability; and where a notice is served in pursuance of this subsection, then—
 - (i) if the notice is in pursuance of paragraph (a) of this subsection and the disability is not prescribed for the purposes of subsection (3)(c) above, it shall be deemed to be so prescribed in relation to the person aforesaid; and
 - (ii) if the notice is in pursuance of paragraph (b) of this subsection, any licence granted to that person shall be limited to vehicles of the particular construction or design specified in the notice.
- (5) If the Secretary of State is at any time satisfied on inquiry—
 - (a) that the licence holder is suffering from a relevant disability, and
 - (b) that the Secretary of State would be required by virtue of subsection (2) or (4) (ii) above to refuse an application for the licence made by him at that time,

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the Secretary of State may serve notice in writing on the licence holder revoking the licence at the expiration of a period specified in the notice which shall not be less than seven nor more than thirty days and shall begin with the date of service of the notice ; and it shall be the duty of a person whose licence is revoked under this subsection to deliver up the licence to the Secretary of State forthwith after the revocation.

(6) In this section—

" disability " includes disease ; and

" relevant test ", in relation to an application for a licence, means any such test of competence as is mentioned in section 85 of this Act or a test as to fitness or ability in pursuance of section 100 of the Road Traffic Act 1960 as originally enacted, being a test authorising the grant of a licence in respect of vehicles of the classes to which the application relates ;

and for the purposes of subsection (3)(a) above a person to whom a licence was granted after the making of a declaration under paragraph (c) of the proviso to section 5(2) of the Road Traffic Act 1930 (which contained transitional provisions with respect to certain disabilities) shall be treated as having passed, at the time of the declaration, a relevant test in respect of vehicles of the classes to which the licence related.

88 Grant of licences

(1) Subject to section 87 of this Act, the Secretary of State shall, on payment of the prescribed fee, grant a licence to a person who—

- (a) makes an application for it in such manner and containing such particulars as the Secretary of State may specify; and
- (b) furnishes the Secretary of State with such evidence or further evidence in support of the application as the Secretary of State may require ; and
- (c) surrenders to the Secretary of State any previous licence granted to him after 1st June 1970 or furnishes the Secretary of State with an explanation for not surrendering it which the Secretary of State considers adequate ; and
- (d) is not disqualified by reason of age or otherwise from obtaining the licence for which he makes the application and is not prevented from obtaining it by the provisions of section 85 of this Act.

(2) If the application aforesaid states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose, and nothing in section 85 of this Act shall apply to such a licence; but a provisional licence—

- (a) shall be granted subject to prescribed conditions;
- (b) shall, in any cases prescribed for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes so prescribed; and
- (c) shall not authorise a person to drive a motor cycle whereof the cylinder capacity of the engine exceeds 250 cubic centimetres, not being a vehicle having three wheels, unless he has passed the test of competence to drive prescribed under section 85 of this Act.

(3) A licence shall be in such form as the Secretary of State may determine and shall—

- (a) state whether, apart from subsection (4) below, it authorises its holder to drive motor vehicles of all classes or of certain classes only and, in the latter case, specify those classes;

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- (b) specify any restrictions to which, under the provisions of section 4 or this Part of this Act, its holder is subject as respects the driving of vehicles of any class in pursuance of the licence ;
 - (c) in the case of a provisional licence, specify the conditions subject to which it is granted ; and
 - (d) where by virtue of subsection (4) below the licence authorises its holder to drive vehicles of classes other than those specified in the licence in pursuance of paragraph (a) above, contain such statements as the Secretary of State considers appropriate for indicating the effect of that subsection.
- (4) A licence which, apart from this subsection, authorises its holder to drive motor vehicles of certain classes only shall also authorise him to drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive the last-mentioned vehicles; but a licence shall not by virtue of this subsection authorise a person to drive—
- (a) a vehicle which he is prohibited from driving by section 4 of this Act, or
 - (b) such a motor cycle as is mentioned in paragraph (c) of subsection (2) above, unless he has passed the test of competence to drive prescribed under section 85 of this Act.
- (5) In subsection (4) above the first reference to a licence does not include a reference to a licence granted before 1st June 1970 or a provisional licence granted thereafter or any other licence of a description prescribed for the purposes of this subsection.
- (6) A person who fails to comply with any condition applicable to him by virtue of subsection (2) or (4) above shall be guilty of an offence.

89 Duration of licences

- (1) A licence shall, unless previously revoked or surrendered, remain in force—
- (a) except in a case falling within paragraph (b) or (c) of this subsection, for a period of three years or, if the Secretary of State so determines in the case of a licence to be granted to a person appearing to him to be suffering from a relevant disability within the meaning of section 87 of this Act, for such shorter period, not less than one year, as the Secretary of State may determine ;
 - (b) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this paragraph, for a period equal to the remainder of that for which the subsisting licence was granted; and
 - (c) in the case of a provisional licence, for a period of one year;
- and any such period shall begin with the date on which the licence in question is expressed to come into force.
- (2) Where it appears to the Secretary of State that a licence granted by him to any person is required to be endorsed in pursuance of any enactment or was granted in error or with an error or omission in the particulars specified in the licence or required to be so endorsed on it, the Secretary of State may serve notice in writing on that person revoking the licence and requiring him to deliver up the licence forthwith to the Secretary of State.
- (3) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder shall forthwith surrender the licence to the Secretary of State and furnish to him particulars of the alterations falling to be made in the name or address

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and, in the case of a provisional licence as respects which the prescribed conditions are satisfied, with a statement of his sex and date of birth; and a person who fails to comply with the provisions of this subsection shall be guilty of an offence.

- (4) On the surrender of a licence by any person in pursuance of subsection (2) or (3) above, the Secretary of States—
- (a) shall, except where the licence was granted in error or is surrendered in pursuance of the said subsection (2) in consequence of an error or omission appearing to the Secretary of State to be attributable to that person's fault or in consequence of a current disqualification, and
 - (b) may in such an excepted case which does not involve a current disqualification,
- grant to that person free of charge a new licence for the period for which the surrendered licence was granted.

90 Appeals relating to licences

- (1) A person who is aggrieved by the Secretary of State's—
- (a) refusal to grant or revocation of a licence in pursuance of section 87 of this Act, or
 - (b) grant of a licence for less than three years in pursuance of section 89(1)(a) of this Act, or
 - (c) revocation of a licence in pursuance of section 89(2) of this Act,
- or by a notice served on him in pursuance of section 87(4) of this Act may, after giving to the Secretary of State notice of his intention to do so appeal to a magistrates' court acting for the petty sessions area in which he resides or, if he resides in Scotland, to the sheriff within whose jurisdiction he resides ; and on any such appeal the court or sheriff may make such order as it or he thinks fit and the order shall be binding on the Secretary of State.
- (2) It is hereby declared that, without prejudice to section 85(3) of this Act, in any proceedings under this section the court or sheriff is not entitled to entertain any question as to whether the appellant passed a test of competence to drive if he was declared by the person who conducted it to have failed it.

91 Driving with uncorrected defective eyesight

- (1) If a person drives a motor vehicle on a road while his eyesight is such (whether through a defect which cannot be or one which is not for the time being sufficiently corrected) that he cannot comply with any requirement as to eyesight prescribed under this Part of this Act for the purposes of tests of competence to drive, he shall be guilty of an offence.
- (2) A constable having reason to suspect that a person driving a motor vehicle may be guilty of an offence under subsection (1) above may require him to submit to a test for the purpose of ascertaining whether, using no other means of correction than he used at the time of driving, he can comply with the said requirement as to eyesight; and if that person refuses to submit to the test he shall be guilty of an offence.

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92 Notification of disease or disability

If, in any proceedings for an offence committed in respect of a motor vehicle, it appears to the court that the accused may be suffering from any disease or physical disability which would be likely to cause the driving by him of a motor vehicle to be a source of danger to the public, the court shall notify the Secretary of State.

A notice sent by a court to the Secretary of State in pursuance of this section shall be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.

Disqualification and endorsement of licences

93 Disqualification on conviction of certain offences

- (1) Where a person is convicted of an offence—
- (a) under a provision of this Act specified in column 1 of Part I of Schedule 4 to this Act in relation to which there appears in column 5 of that Part the word " obligatory " or the word " obligatory " qualified by conditions or circumstances relating to the offence ; and
 - (b) where the said word " obligatory" is so qualified, the conditions or circumstances are satisfied or obtain in the case of the offence of which he is convicted;

or where a person is convicted of the offence specified in Part II of that Schedule (any such offence being in this Part of this Act referred to as an " offence involving obligatory disqualification ") the court shall order him to be disqualified for such period not less than twelve months as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

- (2) Where a person is convicted of an offence—
- (a) under a provision of this Act specified in column 1 of Part I of Schedule 4 to this Act in relation to which there appears in column 5 of that Part the word " discretionary " or the word " discretionary " qualified by conditions or circumstances relating to the offence ; and
 - (b) where the said word " discretionary " is so qualified, the conditions or circumstances are satisfied or obtain in the case of the offence of which he is convicted;

or where a person is convicted of an offence specified in Part III of that Schedule (any such offence being in this Part of this Act referred to as an " offence involving discretionary disqualification "), the court may order him to be disqualified for such period as the court thinks fit.

- (3) Where a person convicted of an offence involving obligatory or discretionary disqualification has within the three years immediately preceding the commission of the offence been convicted on not less than two occasions of any such offence and particulars of the convictions have been ordered to be endorsed in accordance with section 101 of this Act, the court shall order him to be disqualified for such period not less than six months as the court thinks fit, unless the court is satisfied, having regard to all the circumstances, that there are grounds for mitigating the normal consequences of the conviction and thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

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- (4) Where a person convicted of an offence under any of the following provisions of this Act, namely section 5(1), 6(1) or 9(3) (where the latter is an offence involving obligatory disqualification), has within the ten years immediately preceding the commission of the offence been convicted of any such offence, subsection (1) above shall apply in relation to him with the substitution of three years for twelve months.
- (5) The period of any disqualification imposed under subsection (3) above shall be in addition to any other period of disqualification imposed (whether previously or on the same occasion) under this section or section 5 of the Road Traffic Act 1962 or under the Road Traffic Act 1960 or an enactment repealed by that Act or under the Motor Car Act 1903.
- (6) The foregoing provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.
- (7) Where a person is convicted of an offence involving obligatory or discretionary disqualification the court may, whether or not he has previously passed the test of competence to drive prescribed under this Act, and whether or not the court makes an order under the foregoing provisions of this section, order him to be disqualified until he has, since the date of the order, passed that test; and a disqualification by virtue of an order under this subsection shall be deemed to have expired on production to the Secretary of State of evidence, in such form as may be prescribed by regulations under section 107 of this Act, that the person disqualified has, since the order was made, passed that test.

94 Appeal against disqualification, and rule for determining end of period thereof

- (1) A person disqualified by an order of a magistrates' court under section 93(1) or (3) of this Act may appeal against the order in the same manner as against a conviction.
- (2) Any court in England or Wales (whether a magistrates' court or another) which makes an order disqualifying a person may, if it thinks fit, suspend the disqualification pending an appeal against the order.
- (3) A person disqualified by an order of a court in Scotland may appeal against the order in the same manner as against a conviction, and the court by or before which he was convicted may, if it thinks fit, pending the appeal suspend the disqualification.
- (4) In determining the expiration of the period for which a person is disqualified by an order of a court made in consequence of a conviction, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

95 Removal of disqualification

- (1) Subject to the provisions of this section, a person who by an order of a court is disqualified may apply to the court by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

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- (2) No application shall be made under subsection (1) above for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the order by which the disqualification was imposed, that is to say—
- (a) two years, if the disqualification is for less than four years,
 - (b) one half of the period of the disqualification, if it is for less than ten years but not less than four years,
 - (c) five years in any other case;
- and in determining the expiration of the period after which under this subsection a person may apply for the removal of a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.
- (3) Where an application under subsection (1) above is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.
- (4) If under this section a court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.
- (5) The foregoing provisions of this section shall not apply where the disqualification was imposed by order under section 93(7) of this Act, section 5(7) of the Road Traffic Act 1962 or section 104(3) of the Road Traffic Act 1960.

96 Disqualification of persons under age

A person who under section 4 of this Act is prohibited by reason of his age from driving a motor vehicle or a motor vehicle of any class is disqualified for holding or obtaining a licence other than a licence authorising him to drive such motor vehicles, if any, as he is not by the said section 4 forbidden to drive.

97 Disqualification to prevent duplication of licences

A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class so long as he is the holder of another licence authorising him to drive a motor vehicle of that class, whether the licence is suspended or not.

98 Effect of disqualification

- (1) Where the holder of a licence is disqualified by an order of a court, the licence shall be suspended so long as the disqualification continues in force, and during the time of suspension shall be of no effect.
- (2) A licence obtained by any person who is disqualified shall be of no effect.
- (3) Notwithstanding anything in this Part of this Act, a person disqualified by order of a court under section 93(7) of this Act, section 5(7) of the Road Traffic Act 1962 or section 104(3) of the Road Traffic Act 1960 shall (unless he is disqualified otherwise than by virtue of such an order) be entitled to obtain and to hold a provisional licence and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted.

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99 Offence of obtaining licence, or driving, while disqualified

If a person disqualified for holding or obtaining a licence—

- (a) obtains a licence while he is so disqualified, or
- (b) while he is so disqualified drives on a road a motor vehicle, or if the disqualification is limited to the driving of a motor vehicle of a particular class, a motor vehicle of that class,

he shall be guilty of an offence.

100 Arrest without warrant of persons driving while disqualified

A constable in uniform may arrest without warrant any person driving or attempting to drive a motor vehicle on a road whom he has reasonable cause to suspect of being disqualified.

101 Endorsement of licences

- (1) Subject to subsection (2) below, where a person is convicted of an offence—
 - (a) under a provision of this Act specified in column 1 of Part I of Schedule 4 to this Act in relation to which there appears in column 6 of that Part the word " obligatory " or the word " obligatory " qualified by conditions relating to the offence; and
 - (b) where the said word " obligatory " is so qualified, the conditions are satisfied in the case of the offence of which he is convicted ;or where a person is convicted of an offence specified in Part II or Part III of that Schedule (any such offence being in this section referred to as an " offence involving obligatory endorsement "), the court shall order that particulars of the conviction, and, if the court orders him to be disqualified, particulars of the disqualification, shall be endorsed on any licence held by him; and particulars of any conviction or disqualification so endorsed may be produced as prima facie evidence of the conviction or disqualification.
- (2) If the court does not order the said person to be disqualified, the court need not order particulars of the conviction to be endorsed as aforesaid if for special reasons it thinks fit not to do so.
- (3) An order that the particulars of a conviction or of a disqualification to which the convicted person has become subject are to be endorsed on any licence held by him shall, whether he is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain shall be so endorsed until he becomes entitled under subsection (7) below to have a licence issued to him free from the particulars.
- (4) A person who is prosecuted for an offence involving obligatory endorsement and who is the holder of a licence, shall either—
 - (a) cause it to be delivered to the clerk of the court not later than the day before the date appointed for the hearing, or
 - (b) post it, at such a time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the clerk and either registered or sent by the recorded delivery service, or
 - (c) have it with him at the hearing;

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and if he is convicted of the offence and the court makes an order under subsection (1) above the court shall require the licence to be produced to it for endorsement; and if the offender has not posted the licence or caused it to be delivered as aforesaid and does not produce it as required then, unless he satisfies the court that he has applied for a new licence and has not received it, he shall be guilty of an offence and the licence shall be suspended from the time when its production was required until it is produced to the court and shall, while suspended, be of no effect.

- (5) On the issue of a new licence to a person any particulars ordered to be endorsed on any licence held by him shall be entered on the licence unless he has become entitled under subsection (7) below to have a licence issued to him free from those particulars.
- (6) If a person whose licence has been ordered to be endorsed with any particulars and who has not previously become entitled under subsection (7) below to have a licence issued to him free from those particulars applies for or obtains a licence without giving particulars of the order, he shall be guilty of an offence and any licence so obtained shall be of no effect.
- (7) Where an order has been made in respect of a person under this section or any previous enactment requiring any licence held by him to be endorsed with any particulars, he shall be entitled, on applying for the grant of a licence in pursuance of section 88(1) (a) of this Act and satisfying the other requirements of that subsection, to have issued to him a new licence free from the particulars, if the application is made not less than three years after the date of the conviction in consequence of which the order was made or, if it was a conviction of an offence under any of the following provisions of this Act, namely section 5(1), 6(1) or 9(3) (where the latter was an offence involving obligatory disqualification), not less than ten years after that conviction.

102 Combination of disqualification and endorsement with probation orders and orders for discharge in England or Wales

- (1) Notwithstanding anything in section 12(2) of the Criminal Justice Act 1948 (conviction of an offender placed on probation or discharged to be disregarded for the purposes of enactments relating to disqualification), a court in England or Wales which on convicting a person of an offence involving obligatory or discretionary disqualification makes a probation order or an order discharging him absolutely or conditionally may on that occasion also exercise any power conferred, and shall also discharge any duty imposed, on the court by section 93 or 101 of this Act.
- (2) A conviction in respect of which a court in England or Wales has ordered a person to be disqualified or of which particulars have been endorsed on any licence held by him shall, notwithstanding anything in section 12(1) of the said Act of 1948 (conviction of offender placed on probation or discharged to be disregarded for the purpose of subsequent proceedings), be taken into account in determining his liability to punishment or disqualification for any offence involving obligatory or discretionary disqualification committed subsequently.

103 Interim disqualification on committal in England or Wales under s.56 of Criminal Justice Act 1967, etc.

- (1) Where under section 56(1) of the Criminal Justice Act 1967 or any enactment to which that section applies a magistrates' court commits an offender to the Crown Court and by reason of the provisions of the said section 56 the magistrates' court does not exercise its power or discharge its duty under section 93 of this Act of ordering the offender

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to be disqualified, it may nevertheless order him to be disqualified until the court to which he is committed has dealt with him in respect of the offence.

- (2) Where a court in England or Wales makes an order under subsection (1) above in respect of any person, it shall require him to produce to the court any licence, and any Northern Ireland licence, held by him and shall cause such licence to be sent to the clerk of the court to which he is committed ; and if he does not produce any such licence as required he shall be guilty of an offence.
- (3) Where a court in England or Wales makes any such order in respect of any person, sections 101(1), 105(2) to (4) and 111(2) of this Act shall not apply in relation to the order, but the court shall send notice of the order to the Secretary of State ; and the court to which he is committed shall, if it determines not to order him to be disqualified under section 93 of this Act, send notice of the determination to the Secretary of State.
- (4) Where a person is committed to the Crown Court under the said section 56 or any enactment to which that section applies to be dealt with in respect of an offence involving obligatory or discretionary disqualification and no order is made in his case under subsection (1) above, section 101(4) of this Act shall apply to him as it applies to a person who is prosecuted for such an offence and convicted before that court.
- (5) A period of disqualification imposed on any person by virtue of section 56(5) of the said Act of 1967 (exercise by the court to which a person is committed for sentence, etc., of certain powers of magistrates' courts) shall be treated as reduced by any period during which he was disqualified by reason only of an order made under subsection (1) above; but a period during which he was so disqualified shall not be taken into account under this subsection for the purpose of reducing more than one other period of disqualification.
- (6) A notice sent by a court to the Secretary of State in pursuance of subsection (3) above shall be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.
- (7) In this section " Northern Ireland licence " means a licence under any such provision as is mentioned in section 111(1) of this Act.

104 Information as to date of birth and sex

- (1) If on convicting a person of an offence involving obligatory or discretionary disqualification or of such other offence as may be prescribed, the court orders his driving licence to be endorsed or orders him to be disqualified under section 103(1) of this Act and does not know his date of birth, the court shall order him to state that date in writing.
- (2) It shall be the duty of a person giving a notification to the clerk of a court in pursuance of section 1(2) of the Magistrates' Courts Act 1957 (which relates to pleas of guilty in the absence of the accused) in respect of an offence mentioned in subsection (1) above to include in the notification a statement of the date of birth and the sex of the accused; and in a case where the foregoing provisions of this subsection are not complied with the court shall, if on convicting the accused it orders his driving licence to be endorsed or orders him to be disqualified under the said section 103(1) and does not know his date of birth or sex, order him to furnish that information in writing to the court.
- (3) Nothing in section 56(5) of the Criminal Justice Act 1967 (which provides that where a magistrates' court commits a person to another court under subsection (1) of that

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section, certain of its powers and duties are transferred to that other court) shall apply to any duty imposed upon a magistrates' court by the foregoing provisions of this section in consequence of an order for disqualification made under the said section 103(1).

- (4) A person who knowingly fails to comply with an order under subsection (1) or (2) above shall be guilty of an offence.
- (5) Where in accordance with this section a person has stated his date of birth to a court or in such a notification as aforesaid, the Secretary of State may serve on that person a notice in writing requiring him to furnish the Secretary of State—
- (a) with such evidence in that person's possession or obtainable by him as the Secretary of State may specify for the purpose of verifying that date ; and
 - (b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time;

and a person who knowingly fails to comply with a notice under this subsection shall be guilty of an offence.

- (6) In the application of this section to Scotland—
- (a) for subsection (2) there shall be substituted the following subsection:

“(2) Where, in pursuance of section 26(3) of the Summary Jurisdiction (Scotland) Act 1954 (pleas in absence of accused), a person gives written intimation of a plea of guilty in respect of an offence mentioned in subsection (1) above, he shall include in that written intimation a statement of the accused's date of birth and sex, and in a case where the foregoing provisions of this subsection are not complied with the court, if on convicting the accused it orders his licence to be endorsed and does not know his date of birth or sex, shall order him to furnish that information in writing to the court.”
 - (b) subsection (3) does not apply ;
 - (c) in subsection (5) for the word " notification " there shall be substituted the words " written intimation ".

105 Supplementary provisions as to disqualifications and endorsements

- (1) In any case where a court exercises its power under section 93 or 101 of this Act not to order any disqualification or endorsement or to order disqualification for a shorter period than would otherwise be required, it shall state the grounds for doing so in open court and, if it is a magistrates' court or, in Scotland, a court of summary jurisdiction, shall cause them to be entered in the register (or, in Scotland, record) of its proceedings.
- (2) Where a court orders particulars to be endorsed on a licence held by a person, or where by an order of a court a person is disqualified, the court shall send notice of the order to the Secretary of State and, in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to the Secretary of State, who may dispose of it as he thinks fit; but where the disqualification expires or is removed before the expiration of the period for which the licence was granted and the person to whom it was granted makes to the Secretary of State during that period, in such form and containing such particulars supported by such evidence or further evidence as the Secretary of State may specify, a demand for the grant of a new licence for the period for which the licence aforesaid was granted, the Secretary of State shall comply with the demand.

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- (3) Where on an appeal against any such order the appeal is allowed, the court by which the appeal is allowed shall send notice thereof to the Secretary of State.
- (4) Where a person is disqualified by order of a court under section 93(7) of this Act, section 5(7) of the Road Traffic Act 1962 or section 104(3) of the Road Traffic Act 1960, then on the issue to him of a licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has, since the order was made, passed the prescribed test.
- (5) A notice sent by a court to the Secretary of State in pursuance of this section shall be sent in such manner and to such address and contain such particulars as the Secretary of State may determine, and a licence so sent in pursuance of this section shall be sent to such address as the Secretary of State may determine.

Supplementary

106 Conduct of proceedings in certain courts by or against the Secretary of State

- (1) Any proceedings by or against the Secretary of State in a magistrates' court or before the registrar of a county court under this Part of this Act may be conducted on behalf of the Secretary of State by a person authorised by him for the purposes of this subsection.
- (2) Any proceedings in any court in Scotland, other than the High Court of Justiciary or the Court of Session, against the Secretary of State under this Part of this Act may be conducted on behalf of the Secretary of State by any person authorised by him for the purposes of this subsection.

107 Regulations for purposes of Part III

- (1) The Secretary of State may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act, and otherwise for the purpose of carrying section 4 or this Part of this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to—
 - (a) licences,
 - (b) the making of any particulars with respect to any persons who are disqualified or whose licences are suspended or endorsed available for use by the police,
 - (c) the preventing of a person holding more than one licence,
 - (d) the facilitating of identification of holders of licences, and
 - (e) the providing for the issue of a new licence in the place of a licence lost or defaced on payment of such fee as may be prescribed;and different regulations may be made as respects different classes of vehicles or as respects the same class of vehicles in different circumstances.
- (2) Regulations made by the Secretary of State under this Part of this Act may—
 - (a) make different provision for different circumstances ;
 - (b) provide for exemptions from any provisions of the regulations; and
 - (c) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations;and nothing in any other provision of section 4 or this Part of this Act shall be construed as prejudicing the generality of the foregoing provisions of this subsection.

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- (3) Any fee prescribed under this Part of this Act shall be of an amount approved by the Treasury, and different fees may be prescribed for different circumstances.

108 Destination of fees for licences, etc., under Part III

- (1) All fees received by the Secretary of State for licences under this Part of this Act shall be paid into the Consolidated Fund.
- (2) Fees in respect of tests of competence to drive payable by virtue of regulations having effect by virtue of section 85(2) of this Act shall be paid to such person as may be prescribed by the regulations, and any such fees received by a person so prescribed (other than any as to which the regulations provide that they are to be paid to the person conducting the test and retained by him as remuneration) shall be paid into the Consolidated Fund.

109 Service of notices

A notice authorised to be served on any person by section 87, 89(2) or 104(5) of this Act may be served on him by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this section and section 26 of the Interpretation Act 1889 in its application to this section the proper address of any person shall be his latest address as known to the person serving the notice.

110 Interpretation of Part III

In this Part of this Act and section 4 thereof, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

" disqualified " means disqualified for holding or obtaining a licence, and " disqualification " shall be construed accordingly;

" licence " means a licence to drive a motor vehicle granted under this Part of this Act;

" offence involving obligatory disqualification " has the meaning given to it by section 93(1) of this Act;

" offence involving discretionary disqualification " has the meaning given to it by section 93(2) of this Act; " prescribed " means prescribed by regulations ;

" provisional licence " means a licence granted by virtue of section 88(2) of this Act;

" regulations " means regulations made under section 107 of this Act;

" test of competence to drive " means such a test conducted under section 85 of this Act;

111 Provisions as to Northern Ireland drivers' licences

- (1) If the Secretary of State certifies that satisfactory provision is made by the law of Northern Ireland for the granting of licences to drive motor vehicles, it shall be lawful for the holder of such a licence to drive and be employed in driving in Great Britain a motor vehicle of any class which he is authorised by that licence to drive, and which he is not disqualified from driving under this Part of this Act, notwithstanding that he is not the holder of a licence under this Part of this Act:

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Provided that any such driver shall be under the like obligation to produce such a licence as if it had been a licence granted under this Part of this Act, and the provisions of this Act as to the production of licences granted thereunder shall apply accordingly.

- (2) The holder of any such licence who by an order of the court is disqualified for holding or obtaining a licence under this Part of this Act shall produce the licence so held by him to the court within such time as the court may determine, and the court shall, on production of the licence, forward it to the Secretary of State; and if the holder fails to produce the licence within such time as aforesaid, he shall be guilty of an offence.
- (3) If the holder of any such licence is convicted of an offence and the court orders particulars of the conviction to be endorsed in accordance with section 101 of this Act, the court shall send those particulars to the Secretary of State.

PART IV

LICENSING OF DRIVERS OF HEAVY GOODS VEHICLES

112 Drivers of heavy goods vehicles to be licensed

- (1) It shall be an offence for a person to drive a heavy goods vehicle of any class on a road if he is not licensed under this Part of this Act to drive a heavy goods vehicle of that class.
- (2) It shall be an offence for a person to employ another person to drive a heavy goods vehicle of any class on a road if that other person is not so licensed to drive a heavy goods vehicle of that class.
- (3) Nothing in subsection (1) or (2) above, as the case may be, shall prevent a person who is not licensed as therein mentioned from acting, or being employed to act, as steersman of a heavy goods vehicle (being a vehicle on which a speed limit of five miles per hour or less is imposed by or under section 78 of the Road Traffic Regulation Act 1967) under the orders of another person engaged in the driving of the vehicle who is licensed in that behalf in accordance with the requirements of Part III of this Act and this section.
- (4) Neither subsection (1) nor subsection (2) above shall apply to the driving of, or the employment of a person to drive, a vehicle in any case where the excise duty in respect of the vehicle under the Vehicles (Excise) Act 1971 is chargeable at the rate applicable to vehicles specified in paragraph 2(1) of Schedule 3 to that Act and the vehicle is being driven for one of the purposes for which it must be solely used if the duty is to remain chargeable at that rate.

113 Licensing authority, and applications, for heavy goods vehicle driver's licences

- (1) The person who is the chairman of the traffic commissioners for any area constituted for the purposes of Part III of the Road Traffic Act 1960, including any person for the time being appointed by the Secretary of State to act as deputy to the chairman, shall have the power and be charged with the duty of granting licences (in this Part of this Act referred to as "heavy goods vehicle drivers' licences") under this Part of this Act and is in this Part of this Act referred to as "the licensing authority".

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- (2) An application for a heavy goods vehicle driver's licence shall be made to the licensing authority of the traffic area in which the applicant for the licence resides.

114 Grant of heavy goods vehicle drivers' licences

- (1) Subject to the transitional provisions contained in Schedule 5 to this Act, the licensing authority shall not grant a full licence to drive a heavy goods vehicle of any class unless he is satisfied that the applicant for the licence—
- (a) has at some time during the period of five years ending on the date of the coming into force of the licence passed the prescribed test of competence to drive vehicles of that class; or
 - (b) has within that period held a full licence authorising the driving of vehicles of that class.
- (2) For the purpose of enabling an applicant to learn to drive a heavy goods vehicle with a view to passing the prescribed test of competence to drive, the licensing authority may issue to him a heavy goods vehicle driver's licence as a provisional licence.
- (3) A licence issued by virtue of subsection (2) above shall be subject to the prescribed conditions, and if the person to whom it is issued fails to comply with any of the conditions he shall be guilty of an offence.

115 Duration of heavy goods vehicle drivers' licences

- (1) Subject to subsection (2) below, a heavy goods vehicle driver's licence shall, unless previously revoked, continue in force for three years from the date on which it is expressed to take effect, but may at any time be suspended or revoked by the licensing authority of the area in which it was granted on the ground that, by reason of his conduct (including conduct in Northern Ireland) as a driver of a motor vehicle or of physical disability, the holder is not a fit person to hold such a licence; and during any time of suspension such a licence shall be of no effect.
- (2) Subject to subsection (3) below, a licence issued by virtue of section 114(2) of this Act shall, unless previously revoked, continue in force for six months from the date on which it is expressed to take effect.
- (3) Subsection (2) above shall not apply to a licence treated as a provisional licence by virtue of section 119(1)(e) of this Act.

116 Disqualification on revocation of heavy goods vehicle driver's licence

- (1) Where in pursuance of section 115(1) of this Act the licensing authority revokes a heavy goods vehicle driver's licence, the authority may—
- (a) order the holder to be disqualified indefinitely or for such period as the authority thinks fit for holding or obtaining such a licence; or
 - (b) if the licence is a full licence and it appears to the authority that, owing to the conduct or physical disability of the holder of the licence, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under this Part of this Act until he passes the prescribed test of competence to drive heavy goods vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he has, since the date of the order, passed such a test.

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- (2) Where the holder of a heavy goods vehicle driver's licence is disqualified under subsection (1)(a) above, the licensing authority for the traffic area where he resides may, in such circumstances as may be prescribed, remove the disqualification, but so long as the disqualification continues in force a heavy goods vehicle driver's licence shall not be granted to him and any such licence obtained by him shall be of no effect.
- (3) Where the holder of a full licence is disqualified under subsection (1)(b) above, a licensing authority shall not thereafter grant him a full licence to drive a heavy goods vehicle of any class unless satisfied that he has since the disqualification passed the prescribed test of competence to drive vehicles of that class, and until he passes that test any full licence obtained by him shall be of no effect.

117 Court may determine whether test of competence to drive was properly conducted

A magistrates' court acting for the petty sessions area in which a person who has submitted himself for a test of competence to drive resides, or if he resides in Scotland the sheriff within whose jurisdiction he resides, may on the application of that person determine whether the test was properly conducted in accordance with the regulations and, if it appears to the court or sheriff that the test was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another test before the expiration of the period prescribed for the purposes of section 119(1)(j) of this Act, and may order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

118 Appeals relating to heavy goods-vehicle drivers' licences

- (1) A person who, being the holder of, or an applicant for, a heavy goods vehicle driver's licence feels aggrieved by the licensing authority's—
 - (a) refusal or failure to grant such a licence, or
 - (b) imposition of any limitation on such a licence, or
 - (c) suspension or revocation of such a licence, or
 - (d) ordering of disqualification under section 116(1) of this Act,may by notice in writing to the licensing authority require him to reconsider the matter, and shall on a reconsideration be entitled to be heard either personally or by his representative.
- (2) Subject to subsection (3) below, a person who is so aggrieved as aforesaid, or who is dissatisfied with the decision of the licensing authority on reconsideration of the matter, may appeal to a magistrates' court acting for the petty sessions area in which he resides or, if he resides in Scotland, to the sheriff within whose jurisdiction he resides; and on any such appeal the court or sheriff may make such order as it or he thinks fit and an order so made shall be binding on the licensing authority.
- (3) No appeal shall lie under this section in respect of any matter in respect of which an application may be made to a magistrates' court or a sheriff under section 117 of this Act.
- (4) Where the applicant for a heavy goods vehicle driver's licence, who is at the date of his application the holder of such a licence (other than one issued as a provisional licence), appeals under this section on the ground of refusal or failure to grant the

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licence, the existing licence shall continue in force until the appeal has been disposed of notwithstanding that it would otherwise have expired.

119 Regulations for purposes of Part IV

- (1) The Secretary of State may make regulations for the purpose of carrying the provisions of this Part of this Act into effect and, without prejudice to the generality of the foregoing, may—
- (a) make provision with respect to tests of competence to drive heavy goods vehicles and, in particular, the nature of such tests, the qualifications, selection, appointment and removal of the persons by whom they may be conducted, and evidence of the results of the tests;
 - (b) require applicants for such tests or for heavy goods vehicle drivers' licences (whether full or provisional) to have such qualifications, experience and knowledge (including, in the case of applicants for licences, qualifications with respect to health and driving conduct) as may be prescribed;
 - (c) require a person submitting himself for a test to produce for the purposes of the test a vehicle of the class in respect of which he is to be tested, loaded or unloaded according as may be prescribed, and, in the case of a loaded vehicle, impose requirements about its loading;
 - (d) restrict the issue of provisional licences, in the case of prescribed classes of applicants or in prescribed circumstances, to such classes of vehicle as may be prescribed;
 - (e) provide that a full licence to drive a heavy goods vehicle of a particular class shall also be treated for the purposes of this Part of this Act as a provisional licence to drive heavy goods vehicles of another prescribed class;
 - (f) make provision for preventing a person holding more than one licence and for facilitating the identification of licence holders;
 - (g) make provision with respect to applications for and the issue of heavy goods vehicle drivers' licences;
 - (h) make provision with respect to the custody and production of any heavy goods vehicle driver's licence or any Northern Ireland licence within the meaning of section 125 of this Act or any licence under Part II of the Road Traffic Act (Northern Ireland) 1955 or Part I of the Road Traffic Act (Northern Ireland) 1970 to drive heavy goods vehicles of any description, and require the return to a prescribed licensing authority of any such licence which has expired or been suspended or revoked;
 - (i) require the payment of a fee of a prescribed amount by a person who applies for a test and provide for the repayment of any such fee in the prescribed circumstances ;
 - (j) provide that a person submitting himself for, but failing to pass, a test shall not be eligible to submit himself for another test before the expiration of a prescribed period, except under an order made by a court or sheriff under section 117 of this Act;
 - (k) provide for the issue of a new licence in place of a licence lost or defaced on payment of the prescribed fee;
- and different provision may be made by the regulations for different cases.
- (2) Regulations under this section may provide that a person who contravenes or fails to comply with any specified provision of the regulations shall be guilty of an offence.

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- (3) The Secretary of State may by regulations provide that this Part of this Act shall not apply to heavy goods vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.

120 Fees and expenses

- (1) There shall be charged by licensing authorities in respect of the grant of heavy goods vehicle drivers' licences such fees as may be prescribed.
- (2) All fees received by licensing authorities in respect of the grant of such licences shall be paid into the Consolidated Fund in such manner as the Treasury may direct.
- (3) Any fees received by the Secretary of State in pursuance of regulations under this Part of this Act shall be paid into the Consolidated Fund.
- (4) Any expenses incurred by the Secretary of State under this Part of this Act shall be defrayed out of moneys provided by Parliament.

121 Common test of competence to drive for the purposes of Parts III and IV

The Secretary of State may by regulations provide that a person who passes a test of competence to drive heavy goods vehicles of any prescribed class for the purpose of obtaining a full licence shall, in such circumstances as may be prescribed, be treated as having passed a test of competence to drive prescribed under section 85(2) of this Act for any prescribed class of motor vehicle.

122 Transitional provisions as to certain heavy goods vehicle drivers' licences

The provisions of Schedule 5 to this Act shall have effect in connection with the coming into operation of section 112 of this Act.

123 Restriction on institution of proceedings for certain offences

Proceedings for an offence under section 112 or 114(3) of this Act shall not, in England or Wales, be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by the traffic commissioners, a chief officer of police or the council of a county, county borough or county district.

124 Interpretation of Part IV

In this Part of this Act and Schedule 5 thereto, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

" full licence " means a heavy goods vehicle driver's licence other than a provisional licence;

" heavy goods vehicle " means a vehicle of any of the following classes which is constructed or adapted for hauling or carrying goods or burden of any description, that is to say, a heavy locomotive, a light locomotive, a motor tractor, a heavy motor car and a motor car so constructed that a trailer may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne thereby;

" prescribed " means prescribed by regulations under section 119 of this Act;

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" traffic commissioners " has the same meaning as it has for the purposes of Part III of the Road Traffic Act 1960.

125 Provisions as to Northern Ireland heavy goods vehicle drivers' licences

- (1) If the Secretary of State certifies that satisfactory provision is made by the law of Northern Ireland for the issue of licences specifically to drive heavy goods vehicles, it shall be lawful for the holder of such a licence (hereafter in this section referred to as a Northern Ireland licence) to drive, and be employed in driving, on a road in Great Britain heavy goods vehicles of any class which he is authorised by that licence to drive, notwithstanding that he is not the holder of a heavy goods vehicle driver's licence.
- (2) While a certificate is in force under subsection (1) above, the licensing authority may, notwithstanding anything in section 114(1) of this Act, grant a full licence to drive a heavy goods vehicle of any class to an applicant resident in Great Britain if he is satisfied that the applicant has, within the period of five years ending on the date of the coming into force of the licence, held a Northern Ireland licence to drive any heavy goods vehicle of that class corresponding to a full licence and not being a licence granted under an enactment of the Parliament of Northern Ireland in consequence of a dispensation from passing a test of competence to drive by reason of the applicant's residence outside the United Kingdom.
- (3) A prescribed licensing authority may exercise as respects Great Britain the like power of suspending or revoking any Northern Ireland licence and of making an order under section 116(1) of this Act as is conferred in relation to a heavy goods vehicle driver's licence by section 115(1) thereof and the said section 116(1) on the licensing authority for the traffic area in which the last-named licence was granted, and the provisions of the said section 115(1) (except the provision relating to the duration of licences) and of the said section 116(1) shall have effect accordingly.
- (4) A holder of a Northern Ireland licence who is aggrieved by the suspension or revocation of the licence or the ordering of disqualification by virtue of subsection (3) above shall have the like right to require the reconsideration of the matter and the like right of appeal as are conferred by section 118 of this Act, except that the matter shall be reconsidered by the prescribed licensing authority, and—
 - (a) an appeal brought by virtue of this subsection shall, if the appellant is not resident in Great Britain, be to a prescribed magistrates' court or a prescribed sheriff; and
 - (b) the provisions of subsection (2) of the said section 118 shall have effect accordingly.
- (5) At any time when no certificate is in force under subsection (1) above a person resident in Northern Ireland who is temporarily in Great Britain and holds a driving licence issued in Northern Ireland under Part II of the Road Traffic Act (Northern Ireland) 1955 or Part I of the Road Traffic Act (Northern Ireland) 1970 to drive heavy goods vehicles of any description may during a period of twelve months from the date of his last entry into Great Britain drive, and be employed in driving, on a road in Great Britain a heavy goods vehicle of that description brought temporarily into Great Britain notwithstanding that he is not the holder of a heavy goods vehicle driver's licence.

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PART V

DRIVING INSTRUCTION

126 Driving instruction for payment to be given only by registered or licensed persons

- (1) No instruction, for the giving of which payment of money or money's worth is, or is to be, made by, or in respect of, the person to whom the instruction is given, shall be given in the driving of a motor car unless the name of the person giving the instruction is in the register of approved instructors established in pursuance of section 23 of the Road Traffic Act 1962 (hereafter in this Part of this Act referred to as " the register ") or he is the holder of a current licence granted under this Part of this Act authorising him to give such instruction.
- (2) Instruction in the driving of a motor car, being instruction which is given free of charge, to a person who is not the holder of a current licence to drive a motor vehicle granted under Part III of this Act (other than a provisional licence within the meaning of that Part), by, or in pursuance of arrangements made by, a person carrying on business in the supply of motor cars, and in connection with the supply of a motor car in the course of that business, shall, for the purposes of subsection (1) above, be deemed to be given for payment of money by the person to whom the instruction is given.
- (3) If instruction is given in contravention of subsection (1) above, the person by whom it is given, and, if that person is employed by another to give that instruction, that other, as well as that person, shall be guilty of an offence.
- (4) In proceedings against a person for an offence under subsection (3) above it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that his name or, as the case may be, that of the person employed by him, was not in the register at the material time.
- (5) Any reference in this Part of this Act to a current licence is a reference to a licence which has not expired and has not been cancelled, revoked or suspended.

127 Exemption of police instructors from prohibition imposed by s.126

- (1) Section 126(1) of this Act shall not apply to the giving of instruction by a police instructor in pursuance of arrangements made by a chief officer of police or, under the authority of a chief officer of police, in pursuance of arrangements made by a local authority.
- (2) In this section—
 - " police instructor " means a person who is—
 - (a) a member of a police force whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of motor cars to persons being members of a police force, or
 - (b) a civilian employed by a police authority for the purpose of giving such instruction to such persons;
 - " local authority " means the council of a county, county borough or county district, the Greater London Council, the council of a London borough or the Common Council of the City of London.

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- (3) In the application of subsection (2) above to the metropolitan police, for the reference to a civilian employed by a police authority, there shall be substituted a reference to a civilian employed under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District.
- (4) In the application of this section to Scotland " local authority " means a county council or the town council of a burgh.

128 The register and registration and duration thereof

- (1) The compilation and maintenance of the register shall continue by virtue of this Act, and an application for the entry of a person's name in the register shall be made, in manner determined by the Secretary of State, accompanied by particulars so determined, to the officer of the Secretary of State by whom, on behalf of the Secretary of State, the register is compiled and maintained (hereafter in this Part of this Act referred to as " the Registrar "); and the Registrar shall, on payment of such fee, if any, as may be prescribed by regulations, enter in the register the name of a person who duly applies for the entry of his name therein if that person satisfies the Registrar that the following conditions are fulfilled in his case, that is to say,—
 - (a) that he has passed such examination of ability to give instruction in the driving of motor cars as may be so prescribed;
 - (b) that he is the holder of a current licence of one of the following kinds, that is to say,—
 - (i) a licence to drive a motor vehicle granted under Part III of this Act (not being a provisional licence within the meaning of that Part); and
 - (ii) a licence to drive a motor vehicle (not being a licence corresponding to such a provisional licence as aforesaid) granted under the law in force in Northern Ireland;
 and, at no time during the period of four years ending with the day on which the application is made, did he not hold one or other of the following licences, namely a current licence of one of the kinds aforesaid and a current foreign licence, that is to say, a document issued under the law of a country outside the United Kingdom authorising the holder to drive a motor vehicle in that country;
 - (c) that he has not, during any part of the said period, been disqualified under section 93 of this Act or section 5 of the Road Traffic Act 1962 for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act or, as the case may be, Part II of the Road Traffic Act 1960; and
 - (d) that, apart from fulfilment of the foregoing conditions, he is a fit and proper person to have his name entered in the register.
- (2) The entry of a person's name in the register shall be subject to the condition that, so long as the name is therein, that person will, if at any time required by the Registrar, undergo the test prescribed by regulations of continued ability and fitness to give instruction in the driving of motor cars.
- (3) Regulations may provide that persons of such class as may be specified therein shall be exempt from the condition mentioned in subsection (1)(a) above as regards such part of the examination mentioned in that paragraph as may be so specified.
- (4) If the Secretary of State is satisfied that satisfactory provision is made by the law of Northern Ireland for the establishment of a register containing the names of persons

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qualified under that law to give instruction in the driving of motor cars, a person who satisfies the Registrar that his name is in the register established under that law and that he is resident in Great Britain shall be exempt from the condition specified in subsection (1)(a) above.

- (5) The Registrar shall, on making a decision on an application under subsection (1) above, give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, shall state the grounds for the refusal.
- (6) Unless previously removed under the following provisions of this Part of this Act, the name of a person shall be removed from the register at the end of the period of four years beginning with the first day of the month next after that in which the entry of the name was made, but if an application for the retention of the name in the register is made under section 129 of this Act before the end of that period, the name shall not be removed except in pursuance of a decision of the Registrar having effect under that section.
- (7) A person whose name has been removed from the register under subsection (6) above who applies under subsection (1) above for his name to be entered again in the register, shall be required again to pass the examination mentioned in subsection (1)(a) above unless the application is made before the end of the period of one year beginning with the end of the said period of four years.

129 Extension of duration of registration

- (1) If, before the end of the period of four years at the end of which the name of a person is, by section 128(6) of this Act, to be removed from the register, he makes application to the Registrar, in manner determined by the Secretary of State, accompanied by particulars so determined, for the retention of his name in the register for a further period of four years, he shall be entitled, on payment of such fee, if any, as may be prescribed by regulations, to have his name retained therein for that further period, if he satisfies the Registrar that the following conditions are fulfilled in his case, that is to say,—
 - (a) that he has not refused to undergo any such test as is mentioned in section 128(2) of this Act which he has been required to undergo during the period first mentioned in this subsection;
 - (b) that his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test or tests as aforesaid which he has undergone during the said period, to be of a satisfactory standard ;
 - (c) that he is the holder of a current licence of one of the kinds mentioned in sub-paragraph (i) and sub-paragraph (ii) of section 128(1)(b) of this Act, and at no time during the said period has he held no such current licence;
 - (d) that he has not during any part of the said period been disqualified under section 93 of this Act or section 5 of the Road Traffic Act 1962 for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act or, as the case may be, Part II of the Road Traffic Act 1960, and
 - (e) that, apart from fulfilment of the foregoing conditions, he continues to be a fit and proper person to have his name entered in the register.
- (2) The retention of a person's name under this section shall be subject to the condition mentioned in section 128(2) of this Act.

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- (3) Before refusing an application under subsection (1) above, the Registrar shall give to the applicant written notice stating that he is considering the refusal of the application and giving particulars of the grounds on which he is considering it; and the applicant may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations with respect to the proposed refusal; and the Registrar shall not decide to refuse the application until after the expiration of the said period, and before deciding whether or not to do so, he shall take into consideration any such representations made by the applicant within the said period.
- (4) The Registrar, on making a decision under subsection (3) above, shall give notice in writing of the decision to the person concerned, and a decision to refuse an application shall take effect—
 - (a) where no appeal under the following provisions of this Part of this Act is brought against the decision within the time limited for the appeal, on the expiration of that time;
 - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
 - (c) where such an appeal is brought and not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and not otherwise.
- (5) Where a person's name is retained in the register under subsection (1) above, that subsection and section 128(6) of this Act shall have effect in relation to him, with respect to each successive period of four years, as if any reference therein to the first day of the month next after that in which the entry of a person's name in the register was made were a reference to the day with which began the last further period for which his name was retained under subsection (1) above.

130 Removal of names from register

- (1) The Registrar may remove the name of a person from the register if the Registrar is satisfied, in a case where the name has not been retained therein under section 129 of this Act, that, at any time since the entry of the name was made, or, in a case where the name has been retained as aforesaid, that, at any time since it was last retained, any of the following conditions was fulfilled in the case of that person, that is to say—
 - (a) that he held neither a current licence of a kind mentioned in sub-paragraph (i) of section 128(1)(b) of this Act nor one of a kind mentioned in sub-paragraph (ii) of the said section 128(1)(b);
 - (b) that he was disqualified under section 93 of this Act or section 5 of the Road Traffic Act 1962 for holding or obtaining a licence to drive a motor vehicle under Part III of this Act or, as the case may be, Part II of the Road Traffic Act 1960;
 - (c) that he refused to undergo a test such as is mentioned in section 128(2) of this Act;
 - (d) that he failed to pass such a test;
 - (e) that he ceased, apart from fulfilment of any of the foregoing conditions, to be a fit and proper person to have his name included in the register;or if the entry of his name in the register, or the retention of his name therein, was made by mistake or procured by fraud.
- (2) Before removing the name of a person from the register under this section, the Registrar shall give to the person concerned written notice stating that he is considering

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the removal and giving particulars of the grounds on which he is considering it; and that person may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations with respect to the proposed removal; and the Registrar shall not decide to remove the name from the register until after the expiration of the said period and, before deciding whether or not to do so, shall take into consideration any such representations made by the person concerned within the said period.

- (3) The Registrar shall, on making a decision to remove a name from the register, give notice in writing of the decision to the person concerned, and section 129(4) of this Act shall apply for the purpose of determining when (if at all) the decision takes effect as it does for the purpose of determining when (if at all) a decision to refuse an application under the said section 129 takes effect.

131 Licences

- (1) For the purpose of enabling a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing the examination referred to in section 128(1)(a) of this Act, the Registrar shall, subject to subsection (2) below, on application made to him by that person in manner determined by the Secretary of State, accompanied by particulars so determined and on payment of such fee, if any, as may be prescribed by regulations, grant to the applicant a licence to give instruction in the driving of a motor car, being instruction the giving of which is restricted by section 126 of this Act, if the Registrar is satisfied that the conditions set out in paragraphs (b), (c) and (d) of the said section 128(1) are fulfilled in the case of the applicant.
- (2) The Registrar may refuse to grant a licence under this section to an applicant to whom two or more such licences have previously been issued.
- (3) The Registrar shall, on making a decision on an application under subsection (1) above, give notice in writing of the decision to the applicant, which, in the case of a decision to refuse the application, shall state the grounds of the refusal.
- (4) A licence under this section shall be in such form, in force for such period, and granted subject to such conditions, as may be prescribed by regulations.
- (5) Notwithstanding any provision of regulations made under subsection (4) above prescribing the period for which a licence is to be in force, where a person applies for a new licence in substitution for a licence held by him and current at the date of the application, the previous licence shall not expire until the commencement of the new licence, or, if the Registrar decides to refuse the application, until the time limited for an appeal under the following provisions of this Part of this Act against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.
- (6) Before deciding to refuse an application for a new licence in substitution for a licence current at the date of the application, the Registrar shall give to the applicant written notice stating that he is considering the refusal and giving particulars of the grounds on which he is considering it; and the applicant may, within the period of fourteen days beginning with the day on which the notice is given, make representations with respect to the proposed refusal; and the Registrar shall not decide to refuse the application until after the expiration of the said period and, before deciding whether or not to do so, he shall take into consideration any such representations made within that period.
- (7) If a person to whom a licence under this section is granted fails to comply with any of the conditions subject to which it is granted, or if the Registrar is satisfied that, at

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any time since the licence was granted, any of the following conditions was fulfilled in the case of the said person, that is to say,—

- (a) that he held neither a current licence of a kind mentioned in sub-paragraph (i) of section 128(1)(b) of this Act nor one of a kind mentioned in sub-paragraph (ii) of the said section 128(1)(b); or
- (b) that he was disqualified under section 93 of this Act or section 5 of the Road Traffic Act 1962 for holding or obtaining a licence to drive a motor vehicle under Part III of this Act or, as the case may be, Part II of the Road Traffic Act 1960; or
- (c) that he ceased, apart from fulfilment of either of the foregoing conditions, to be a fit and proper person to have his name in the register;

or if the licence was granted by mistake or procured by fraud, the Registrar may revoke the licence, but before doing so he shall give to the said person written notice stating that he is considering the revocation and giving particulars of the grounds on which he is considering it; and that person may, within the period of fourteen days beginning with the day on which the notice is given, make representations with respect to the proposed revocation; and the Registrar shall not decide to revoke the licence until after the expiration of the said period and, before deciding whether or not to do so, he shall take into consideration any such representations made within that period.

- (8) The Registrar shall, on making a decision to revoke a licence granted under this section, give notice in writing of the decision to the person concerned, and section 129(4) of this Act shall apply for the purpose of determining when (if at all) the decision takes effect as it does for the purpose of determining when (if at all) a decision to refuse an application under the said section 129(1) takes effect.

132 Appeals

- (1) A person who is aggrieved by a decision of the Registrar—
 - (a) to refuse an application for the entry of his name in the register, or
 - (b) to refuse an application for the retention of his name in the register, or
 - (c) to remove his name from the register,

may by notice in writing appeal to the Secretary of State within the period of twenty-eight days beginning with the day on which notice of the decision was given in accordance with the provisions of this Part of this Act, and a person who is aggrieved by a decision of the Registrar to refuse an application for the grant of a licence under the said Part or to revoke such a licence may, in such manner, so appeal within the period of fourteen days beginning with the said day.

- (2) On the appeal the Secretary of State shall have power to make such order for the grant or refusal of the application or, as the case may be, for the removal or the retention of the name in the register, or the revocation or continuation of the licence, as he may think fit; and an order for such refusal, removal or revocation may direct that an application by the appellant for the grant of a licence under this Part of this Act or for his name to be entered in the register shall not be entertained before the expiration of such period, not exceeding four years beginning with the day on which the order is made, as may be specified in the order.
- (3) Schedule 6 to this Act shall have effect in relation to an appeal under this section.

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133 Examinations and tests of ability to give driving instruction

- (1) Regulations may make provision with respect to the nature of examinations of the ability of persons to give instruction in the driving of motor cars and tests of continued ability and fitness to give such instruction, to evidence of the results thereof and generally with respect thereto, and, in particular, but without prejudice to the generality of the foregoing, may provide—
 - (a) for such an examination to consist in part of a written examination and in part of a practical test of ability and fitness to drive and to instruct;
 - (b) for requiring a person submitting himself to any such practical test as aforesaid to provide a vehicle for the purposes of the test, being a vehicle in respect of which such conditions as may be specified in regulations are complied with;
 - (c) for requiring a person applying to submit himself for such an examination, or any part of such an examination, to pay to the Registrar such fee as may be specified in the regulations in relation to that examination or part;
 - (d) for preventing a person who, on any day, submits himself for such an examination and fails to pass it from being eligible to submit himself to another such examination before the expiration of the period of three months beginning with that day, or, if the regulations provide for an examination to consist of two such parts as are mentioned in paragraph (a) above, preventing a person who submits himself on any day for one of those parts, and fails to pass that part, from being eligible to submit himself again for that part before the expiration of the period of three months beginning with that day;
 - (e) for requiring a person who desires to submit himself for such an examination to supply the Registrar with such particulars as the Secretary of State may determine.
- (2) A magistrates' court acting for the petty sessions area in which a person who has submitted himself for an examination of ability to give instruction in the driving of motor cars resides or, if he resides in Scotland, the sheriff within whose jurisdiction he resides, shall have power on the application of that person to determine whether the examination was properly conducted in accordance with the regulations, and, if the regulations provide for the examination to consist of two parts, whether either of those parts was so conducted; and, if it appears to the court or sheriff that the examination, or, as the case may be, part, was not so conducted, the court or sheriff may order that the applicant shall be eligible to submit himself to another examination, or, as the case may be, to submit himself again for that part, before the expiration of the period of three months mentioned in subsection (1)(d) above in relation to the examination or, as the case may be, part, and may order that any fee payable by the applicant in respect of the examination or part shall not be paid, and if it has been paid, shall be repaid.
- (3) No appeal shall lie under section 132 of this Act in respect of any matter in respect of which an application may be made to a magistrates' court or a sheriff under subsection (2) above.

134 Power to alter conditions for entry or retention in, and removal from, register and grant or revocation of licences

Regulations may—

- (a) alter or add to the conditions as to which the Registrar is required by this Part of this Act to be satisfied for the entry of a name in the register, the retention of a name therein, the removal of a name therefrom, the grant of a licence and the revocation of a licence, or omit any of those conditions;

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- (b) alter the period at the expiration of which a person's name which is entered or retained in the register after the coming into force of the regulation must, unless retained or further retained, be removed therefrom.

135 Power to prescribe form of certificate of registration, etc.

- (1) Regulations may prescribe all or any of the following, that is to say, a form of certificate for issue to persons whose names are in the register as evidence of their names' being therein, a form of badge for use by such persons and an official title for such use.
- (2) If a person—
 - (a) whose name is not in the register, takes or uses a title prescribed under this section, or wears or displays a badge or certificate so prescribed, or takes or uses any name, title, addition or description implying that his name is in the register, or
 - (b) being a person carrying on business in the provision of instruction in the driving of motor vehicles, uses a title or description so prescribed in relation to any person employed by him whose name is not in the register, or issues any advertisement or invitation calculated to mislead with respect to the extent to which persons whose names are in the register are employed by him,then, unless he proves that he did not know, and had no reasonable cause to believe, that his name, or, as the case may be, that of the person employed by him, was not in the register at the material time, he shall be guilty of an offence.

136 Surrender of certificate and licences

Where—

- (a) the name of a person to whom a certificate prescribed under section 135 of this Act has been issued is removed from the register in pursuance of this Part of this Act, or
- (b) a licence granted under this Part of this Act to a person expires or is revoked, that person shall, if so required by the Registrar by notice in writing, surrender the certificate or licence, as the case may be, to the Registrar within the period of fourteen days beginning with that on which the notice is given, and if he fails to do so, he shall be guilty of an offence.

137 Production of certificate and licences to constables and authorised persons

- (1) A person to whom a certificate prescribed under section 135 of this Act is issued, or to whom a licence under this Part of this Act is granted, shall, on being so required by a constable or any person authorised in writing by the Secretary of State in that behalf, produce the certificate or licence for examination.
- (2) Where the name of a person is removed from the register or a licence granted under this Part of this Act to a person expires or is revoked, then, if that person fails to satisfy an obligation imposed on him by section 136 of this Act, a constable or a person authorised as aforesaid may require him to produce any such certificate issued to him or the licence, and upon its being produced may seize it and deliver it to the Registrar.

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- (3) If a person who is required under subsection (1) or (2) above to produce a document fails to do so, then, unless within five days, beginning with the day next after that on which the production of the document was so required, it is produced—
- (a) where the requirement was made by a constable, at such police station as, at the time the production was required, may have been specified by the person required to produce the document,
 - (b) where the requirement was made by a person other than a constable, at such place as the person by whom the requirement was made may, at the time aforesaid, have specified,
- he shall be guilty of an offence.

138 Evidence by certificate as to registration and licences

- (1) A certificate signed by the Registrar and stating that, on any date,—
- (a) a person's name was, or was not, in the register,
 - (b) the entry of a person's name was made in the register or a person's name was removed therefrom,
 - (c) a person was, or was not, the holder of a current licence under section 131 of this Act, or
 - (d) a licence under the said section 131 granted to a person came into force or ceased to be in force,
- shall be evidence, and in Scotland sufficient evidence, of the facts stated in the certificate in pursuance of this section.
- (2) A certificate stating as aforesaid and purporting to be signed by the Registrar shall be deemed to be so signed unless the contrary is proved.

139 Offences by corporations

Where a body corporate is guilty of an offence under this Part of this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against and punished accordingly.

140 Service of notices

- (1) A notice authorised or required to be given by this Part of this Act to a person may be given by delivering it to him, or by leaving it at his proper address, or by sending it to him by post.
- (2) For the purposes of this section and of section 26 of the Interpretation Act 1889 in its application to this section, the proper address of a person shall be, in the case of a person whose name is included in the register, his address on the register, and in any other case, his usual or last known address.

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141 Expenses and receipts

- (1) Any administrative expenses incurred by the Secretary of State in consequence of any provisions of this Part of this Act shall be defrayed out of moneys provided by Parliament.
- (2) Any sums received on account of fees payable by virtue of any provision of this Part of this Act shall be paid into the Consolidated Fund.

142 Regulations for purposes of Part V

The Secretary of State may make regulations for any purpose for which provision is by this Part of this Act authorised to be made by regulations, and in the said Part "regulations " means regulations made under this section.

PART VI

THIRD-PARTY LIABILITIES

Compulsory insurance or security against third-party risks

143 Users of motor vehicles to be insured or secured against third-party risks

- (1) Subject to the provisions of this Part of this Act, it shall not be lawful for a person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of this Part of this Act; and if a person acts in contravention of this section he shall be guilty of an offence.
- (2) A person charged with using a motor vehicle in contravention of this section shall not be convicted if he proves that the vehicle did not belong to him and was not in his possession under a contract of hiring or of loan, that he was using the vehicle in the course of his employment and that he neither knew nor had reason to believe that there was not in force in relation to the vehicle such a policy of insurance or security as is mentioned in subsection (1) above.
- (3) This Part of this Act shall not apply to invalid carriages.

144 Exceptions from requirement of third-party insurance or security

- (1) Section 143 of this Act shall not apply to a vehicle owned by a person who has deposited and keeps deposited with the Accountant General of the Supreme Court the sum of £15,000, at a time when the vehicle is being driven under the owner's control.
- (2) The said section 143 shall not apply—
 - (a) to a vehicle owned by the council of a county, county borough or county district in England or Wales, the Common Council of the City of London, the council of a London borough, the Greater London Council, a county, town or district council in Scotland, or by a joint board or joint committee in England or Wales, or joint committee in Scotland, which is so constituted as to include

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among its members representatives of any such council, at a time when the vehicle is being driven under the owner's control;

- (b) to a vehicle owned by a police authority or the Receiver for the Metropolitan Police District, at a time when it is being driven under the owner's control, or to a vehicle at a time when it is being driven for police purposes by or under the direction of a constable, or by a person employed by a police authority, or employed by the said Receiver; or
- (c) to a vehicle at a time when it is being driven on a journey to or from any place undertaken for salvage purposes pursuant to Part IX of the Merchant Shipping Act 1894;
- (d) to the use of a vehicle for the purpose of its being furnished in pursuance of a direction under paragraph (b) of section 166(2) of the Army Act 1955 or under the corresponding provision of the Air Force Act 1955;
- (e) to a vehicle owned by the London Transport Executive or by a body which is within the meaning of the Transport (London) Act 1969 (but disregarding section 51(5) of the Transport Act 1968) a wholly-owned subsidiary of that Executive, at a time when the vehicle is being driven under the owner's control.

145 Requirements in respect of policies of insurance

- (1) In order to comply with the requirements of this Part of this Act, a policy of insurance must satisfy the following conditions.
- (2) The policy must be issued by an authorised insurer, that is to say, a person or body of persons carrying on motor vehicle insurance business in Great Britain.
- (3) Subject to subsection (4) below, the policy—
 - (a) must insure such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by, or arising out of, the use of the vehicle on a road; and
 - (b) must also insure him or them in respect of any liability which may be incurred by him or them under the provisions of this Part of this Act relating to payment for emergency treatment.
- (4) The policy shall not, by virtue of subsection (3)(a) above, be required to cover—
 - (a) liability in respect of the death, arising out of and in the course of his employment, of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment; or
 - (b) any contractual liability.

146 Requirements in respect of securities

- (1) In order to comply with the requirements of this Part of this Act, a security must satisfy the following conditions.
- (2) The security must be given either by an authorised insurer or by some body of persons which carries on in the United Kingdom the business of giving securities of a like kind and has deposited and keeps deposited with the Accountant General of the Supreme Court the sum of £15,000 in respect of that business.

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- (3) The security must consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein, and up to the amount—
- (a) in the case of an undertaking relating to the use of public service vehicles (within the meaning of Part III of the Road Traffic Act 1960), of not less than £25,000;
 - (b) in any other case, of not less than £5,000,
- any failure by the owner of the vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any liability which may be incurred by him or them, being a liability required under section 145 of this Act to be covered by a policy of insurance.

147 Issue and surrender of certificates of insurance and of security

- (1) A policy of insurance shall be of no effect for the purposes of this Part of this Act unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Part of this Act referred to as a "certificate of insurance") in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed.
- (2) A security shall be of no effect for the purposes of this Part of this Act unless and until there is delivered by the person giving the security to the person to whom it is given a certificate (in this Part of this Act referred to as a "certificate of security") in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed.
- (3) Different forms and different particulars may be prescribed for the purposes of subsection (1) or (2) above in relation to different cases or circumstances.
- (4) Where a certificate has been delivered under this section and the policy or security to which it relates is cancelled by mutual consent or by virtue of any provision in the policy or security, the person to whom the certificate was delivered shall, within seven days from the taking effect of the cancellation, surrender the certificate to the person by whom the policy was issued or the security was given or, if the certificate has been lost or destroyed, make a statutory declaration to that effect; and a person who fails to comply with this subsection shall be guilty of an offence.

148 Avoidance of certain exceptions to policies or securities and of certain agreements, etc., as to risks required to be covered thereby

- (1) Where a certificate of insurance or certificate of security has been delivered under section 147 of this Act to the person by whom a policy has been effected or to whom a security has been given, so much of the policy or security as purports to restrict, as the case may be, the insurance of the persons insured by the policy or the operation of the security by reference to any of the following matters, that is to say,—
 - (a) the age or physical or mental condition of persons driving the vehicle, or
 - (b) the condition of the vehicle, or
 - (c) the number of persons that the vehicle carries, or
 - (d) the weight or physical characteristics of the goods that the vehicle carries, or
 - (e) the times at which or the areas within which the vehicle is used, or
 - (f) the horsepower or cylinder capacity or value of the vehicle, or
 - (g) the carrying on the vehicle of any particular apparatus, or

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- (h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under the Vehicles (Excise) Act 1971,

shall, as respect such liabilities as are required to be covered by a policy under section 145 of this Act, be of no effect:

Provided that nothing in this subsection shall require an insurer or the giver of a security to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer or the giver of a security in or towards the discharge of any liability of any person which is covered by the policy or security by virtue only of this subsection shall be recoverable by the insurer or giver of the security from that person.

- (2) A condition in a policy or security issued or given for the purposes of this Part of this Act providing that no liability shall arise under the policy or security, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security, shall be of no effect in connection with such liabilities as are required to be covered by a policy under section 145 of this Act:

Provided that nothing in this subsection shall be taken to render void any provision in a policy or security requiring the person insured or secured to pay to the insurer or the giver of the security any sums which the latter may have become liable to pay under the policy or security and which have been applied to the satisfaction of the claims of third parties.

- (3) Where a person uses a motor vehicle in circumstances such that under section 143 of this Act there is required to be in force in relation to his use of it such a policy of insurance or security as is mentioned in subsection (1) of that section, then, if any other person is carried in or upon the vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held—
- (a) to negative or restrict any such liability of the user in respect of persons carried in or upon the vehicle as is required by section 145 of this Act to be covered by a policy of insurance; or
- (b) to impose any conditions with respect to the enforcement of any such liability of the user;

and the fact that a person so carried has willingly accepted as his the risk of negligence on the part of the user shall not be treated as negating any such liability of the user.

For the purposes of this subsection references to a person being carried in or upon a vehicle include references to a person entering or getting on to, or alighting from, the vehicle, and the reference to an antecedent agreement is to one made at any time before the liability arose.

- (4) Notwithstanding anything in any enactment, a person issuing a policy of insurance under section 145 of this Act shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

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149 Duty of insurers or persons giving security to satisfy judgment against persons insured or secured against third-party risks

- (1) If, after a certificate of insurance or certificate of security has been delivered under section 147 of this Act to the person by whom a policy has been effected or to whom a security has been given, judgment in respect of any such liability as is required to be covered by a policy of insurance under section 145 of this Act (being a liability covered by the terms of the policy or security to which the certificate relates) is obtained against any person who is insured by the policy or whose liability is covered by the security, as the case may be, then, notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy or security, he shall, subject to the provisions of this section, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.
- (2) No sum shall be payable by an insurer under the foregoing provisions of this section—
 - (a) in respect of any judgment, unless before or within seven days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings; or
 - (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or
 - (c) in connection with any liability, if before the happening of the event which was the cause of the death or bodily injury giving rise to the liability, the policy or security was cancelled by mutual consent or by virtue of any provision contained therein, and either—
 - (i) before the happening of the said event the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made a statutory declaration stating that the certificate had been lost or destroyed, or
 - (ii) after the happening of the said event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy or security, the certificate was surrendered to the insurer, or the person to whom it was delivered made such a statutory declaration as aforesaid ; or
 - (iii) either before or after the happening of the said event, but within the said period of fourteen days, the insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate.
- (3) No sum shall be payable by an insurer under the foregoing provisions of this section if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy or security, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular, or, if he has avoided the policy or security on that ground, that he was entitled so to do apart from any provision contained in it:

Provided that an insurer who has obtained such a declaration as aforesaid in an action shall not thereby become entitled to the benefit of this subsection as respects any judgment obtained in proceedings commenced before the commencement of that action unless before, or within seven days after, the commencement of that action he has given notice thereof to the person who is the plaintiff in the said proceedings

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specifying the non-disclosure or false representation on which he proposes to rely; and a person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party thereto.

- (4) If the amount which an insurer becomes liable under this section to pay in respect of a liability of a person who is insured by a policy or whose liability is covered by a security exceeds the amount for which he would, apart from the provisions of this section, be liable under the policy or security in respect of that liability, he shall be entitled to recover the excess from that person.
- (5) In this section—
- (a) "insurer" includes a person giving a security.
 - (b) "material" means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk and, if so, at what premium and on what conditions; and
 - (c) "liability covered by the terms of the policy or security" means a liability which is covered by the policy or security or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy or security.
- (6) In the application of this section to Scotland, the words "by virtue of any enactment relating to interest on judgments" in subsection (1) shall be omitted and for the reference in the proviso to subsection (3) to a plaintiff there shall be substituted a reference to a pursuer.

150 Bankruptcy, etc., of insured or secured persons not to affect claims by third parties

- (1) Where, after a certificate of insurance or certificate of security has been delivered under section 147 of this Act to the person by whom a policy has been effected or to whom a security has been given, any of the following events happens, that is to say,—
- (a) the person by whom the policy was effected or to whom the security was given becomes bankrupt or makes a composition or arrangement with his creditors.
 - (b) the said person dies, and an order is made under section 130 of the Bankruptcy Act 1914 for the administration of his estate according to the law of bankruptcy,
 - (c) if the said person is a company, a winding-up order is made with respect to the company or a resolution for a voluntary winding up is passed with respect thereto, or a receiver or manager of the company's business or undertaking is duly appointed or possession is taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge,

the happening of that event shall, notwithstanding anything in the Third Parties (Rights Against Insurers) Act 1930, not affect any such liability of the said person as is required to be covered by a policy of insurance under section 145 of this Act, but nothing in this subsection shall affect any rights conferred by that Act on the person to whom the liability was incurred, being rights so conferred against the person by whom the policy was issued or the security was given.

- (2) In the application of this section to Scotland "company" includes a limited partnership, and the reference to an order's being made under section 130 of the Bankruptcy Act 1914 for the administration of a person's estate according to the law of bankruptcy shall be deemed to include a reference to an award's being made of

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sequestration of his estate and a reference to an appointment's being made under section 163 of the Bankruptcy (Scotland) Act 1913 of a judicial factor to administer his estate.

151 Duty to give information as to insurance or security where claim made

- (1) A person against whom a claim is made in respect of any such liability as is required to be covered by a policy of insurance under section 145 of this Act shall, on demand by or on behalf of the person making the claim—
 - (a) state whether or not, in respect of that liability, he was insured by a policy having effect for the purposes of this Part of this Act or had in force a security having effect for those purposes, or would have been so insured or would have had in force such a security if the insurer or, as the case may be, the giver of the security had not avoided or cancelled the policy or security, and
 - (b) if he was or would have been so insured, or had or would have had in force such a security, give such particulars with respect to that policy or security as were specified in the certificate of insurance or security delivered in respect of that policy or security, as the case may be, under section 147 of this Act.
- (2) If without reasonable excuse, a person fails to comply with the provisions of subsection (1) above, or wilfully makes a false statement in reply to any such demand as aforesaid, he shall be guilty of an offence.

152 Deposits

- (1) Where a person has deposited a sum with the Accountant General of the Supreme Court under section 144 or 146 of this Act, then so long as any liabilities incurred by him, being such liabilities as are required to be covered by a policy of insurance under section 145 of this Act, have not been discharged Or otherwise provided for no part of that sum shall be applicable in discharge of any other liabilities incurred by him.
- (2) Any regulations made, or having effect as if made, by the Secretary of State or the Board of Trade under section 20 of the Insurance Companies Act 1958 which apply to deposits made by insurers carrying on motor vehicle insurance business shall, with such necessary modifications and adaptations as, after consultation with the Lord Chancellor, may be prescribed, apply to deposits made with the said Accountant General under section 144 or 146 of this Act; and there may, after such consultation as aforesaid, be made by regulations with respect to the said deposits such provision as might be made by the Secretary of State or the Board of Trade under section 20 of the said Act of 1958 with respect to deposits under that Act.

153 Power to require evidence of insurance or security on application for vehicle excise licence

Provision may be made by regulations under section 37 of the Vehicles (Excise) Act 1971 for requiring a person applying for a licence under that Act in respect of a motor vehicle to produce such evidence as may be prescribed that either—

- (a) on the date when the licence comes into operation there will be in force the necessary policy of insurance or the necessary security in relation to the use of the vehicle by the applicant or by other persons on his order or with his permission ; or

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- (b) the vehicle is a vehicle to which section 143 of this Act does not apply at a time when it is being driven under the owner's control.

Payments for treatment of traffic casualties

154 Payment for hospital treatment of traffic casualties

- (1) Where a payment, other than a payment under section 155 of this Act, is made (whether or not with an admission of liability)—
 - (a) by an authorised insurer, the payment being made under or in consequence of a policy issued under section 145 of this Act, or
 - (b) by the owner of a vehicle in relation to the use of which a security under this Part of this Act is in force, or
 - (c) by the owner of a vehicle who has made a deposit under this Part of this Act, in respect of the death of, or bodily injury to, any person arising out of the use of a motor vehicle on a road or in a place to which the public have a right of access, and the person who has so died or been bodily injured has to the knowledge of the insurer or owner, as the case may be, received treatment at a hospital, whether as an in-patient or as an out-patient, in respect of the injury so arising, the insurer or owner shall pay the expenses reasonably incurred by the hospital in affording the treatment, after deducting from the expenses any moneys actually received in payment of a specific charge for the treatment, not being moneys received under any contributory scheme :

Provided that the amount to be paid shall not exceed £200 for each person treated as an in-patient or £20 for each person treated as an out-patient.
- (2) For the purposes of this section "expenses reasonably incurred " means—
 - (a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day he is maintained in the hospital representing the average daily cost, for each in-patient, of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the in-patients therein; and
 - (b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.

155 Payment for emergency treatment of traffic casualties

- (1) Where medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to a person caused by, or arising out of, the use of a motor vehicle on a road, and the treatment or examination so required (in this Part of this Act referred to as "emergency treatment") is effected by a legally qualified medical practitioner, the person who was using the vehicle at the time of the event out of which the bodily injury arose shall, on a claim's being made in accordance with the provisions of section 156 of this Act, pay to the practitioner, or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected—
 - (a) a fee of £1.25 in respect of each person in whose case the emergency treatment is effected by him; and
 - (b) a sum, in respect of any distance in excess of two miles which he must cover in order to proceed from the place whence he is summoned to the place where the emergency treatment is carried out by him and to return to the first-mentioned

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place, equal to 2 ½ new pence for every complete mile and additional part of a mile of that distance.

- (2) Where emergency treatment is first effected in a hospital, the provisions of subsection (1) above with respect to payment of a fee shall, so far as applicable, but subject (as regards the recipient of a payment) to the provisions of section 156 of this Act, have effect with the substitution of references to the hospital for references to a legally qualified medical practitioner.
- (3) Liability incurred under this section by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

156 Supplementary provisions as to payments for treatment

- (1) A payment falling to be made under section 154 or 155 of this Act in respect of treatment in a hospital shall be made—
 - (a) in the case of a hospital vested in the Secretary of State for the purposes of the National Health Service Act 1946, not being a teaching hospital (within the meaning of that Act), to the Regional Hospital Board for the area where the hospital is situated,
 - (b) in the case of such a teaching hospital, to the Board of Governors of the hospital,
 - (c) in the case of a hospital vested in the Secretary of State, to the Secretary of State or on his behalf to any Regional Hospital Board or Board of Management authorised by him for the purpose,
 - (d) in the case of any other hospital, to the hospital.
- (2) A claim for a payment under section 155 of this Act may be made at the time when the emergency treatment is effected, by oral request to the person who was using the vehicle, and if not so made must be made by request in writing served on him within seven days from the day on which the emergency treatment was effected; and any such request in writing—
 - (a) must be signed by the claimant or in the case of a hospital, by an executive officer of the Board or hospital claiming the payment or by an officer of the Secretary of State, must state the name and address of the claimant, the circumstances in which the emergency treatment was effected, and that it was first effected by the claimant or, in the case of a hospital, in the hospital,
 - (b) may be served by delivering it to the person who was using the vehicle or by sending it in a prepaid registered letter, or the recorded delivery service, addressed to him at his usual or last-known address.
- (3) A sum payable under the said section 155 shall be recoverable as if it were a simple contract debt due from the person who was using the vehicle to the practitioner, Board or hospital, or the Secretary of State.
- (4) A payment made under the said section 155 shall operate as a discharge, to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital concerned of or for effecting the emergency treatment.
- (5) A chief officer of police shall, if so requested by a person who alleges that he is entitled to claim a payment under the said section 155, furnish to that person any information

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at the disposal of the chief officer as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose and as to the identity and address of the person who was using the vehicle at the time of the event out of which it arose.

Supplementary

157 Regulations for purposes of Part VI

The Secretary of State may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act and generally for the purpose of carrying this Part of this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations—

- (a) as to the forms to be used for the purposes of this Part of this Act;
- (b) as to applications for and the issue of certificates of insurance and certificates of security and any other documents which may be prescribed, and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Secretary of State or a chief officer of police;
- (c) as to the issue of copies of any such certificates or other documents which are lost or destroyed ;
- (d) as to the custody, production, cancellation and surrender of any such certificates or other documents ;
- (e) for providing that any provisions of this Part of this Act shall, in relation to vehicles brought into Great Britain by persons making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed.

158 Interpretation of Part VI

- (1) In this Part of this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

" authorised insurer " has the meaning assigned to it by section 145(2) of this Act;

" hospital " means an institution, not being an institution carried on for profit, which provides medical or surgical treatment for in-patients ;

" policy of insurance " includes a covering note,

" prescribed " means prescribed by regulations ;

" regulations " means regulations made under section 157 of this Act;

" salvage " means the preservation of a vessel which is wrecked, stranded or in distress, or the lives of persons belonging to, or the cargo or apparel of, such a vessel;

" under the owner's control " means, in relation to a vehicle, that it is being driven by the owner or by a servant of the owner in the course of his employment or is otherwise subject to the control of the owner.

- (2) In any provision of this Part of this Act relating to the surrender, or the loss or destruction, of a certificate of insurance or certificate of security, references to such a certificate shall, in relation to policies or securities under which more than one

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certificate is issued, be construed as references to all certificates and shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

PART VII

MISCELLANEOUS AND GENERAL

Furnishing of information and production of documents

159 Power of police to stop vehicles

A person driving a motor vehicle on a road and a person riding a cycle, not being a motor vehicle, on a road shall stop the same on being so required by a constable in uniform, and if he fails to do so he shall be guilty of an offence.

160 Weighing of motor vehicles

- (1) Subject to any regulations made by the Secretary of State, it shall be lawful for a person authorised by a highway authority, or for a constable authorised on behalf of a highway authority by a police authority or a chief officer of police, on production of his authority, to require the person in charge of a motor vehicle to allow the vehicle or any trailer drawn thereby to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles; and if a person in charge of a motor vehicle refuses or neglects to comply with any such requirement, he shall be guilty of an offence:

Provided that it shall not be lawful for a person or constable so authorised to require the person in charge of the motor vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of its being weighed unladen.

- (2) If at the time when the requirement is made the vehicle is more than one mile from the weighbridge or other machine, and the weight is found to be within the limits authorised by law the highway authority on whose behalf the requirement is made shall pay, in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator agreed upon by the parties, or in default of agreement appointed by the Secretary of State.
- (3) Where a motor vehicle or trailer is weighed under this section, a certificate of weight shall be given to the person in charge of the vehicle and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.
- (4) A certifying officer appointed under Part III of the Road Traffic Act 1960 or an examiner appointed under section 56 of this Act or any of the Secretary of State's officers authorised by him in that behalf may at any time, on production of his authority, exercise with respect to the weighing of goods vehicles all such powers as are under the foregoing provisions of this section exercisable by a constable authorised as therein mentioned with respect to the weighing of motor vehicles and trailers, and the said provisions shall apply accordingly with the substitution in subsection (2), for references to the highway authority on whose behalf the requirement is made and the

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Secretary of State of references respectively to the Secretary of State and the Lord Chief Justice of England or, as the case may be, the Lord President of the Court of Session.

161 Power of constables to require production of driving licences and in certain cases statement of date of birth

- (1) Any such person as follows, that is to say,—
- (a) a person driving a motor vehicle on a road, or
 - (b) a person whom a constable has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road, or
 - (c) a person whom a constable has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road, or
 - (d) a person who supervises the holder of a provisional licence granted under Part III of this Act while the holder is driving a motor vehicle on a road or whom a constable has reasonable cause to believe was supervising the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road,
- shall, on being so required by a constable, produce for examination his licence to drive a motor vehicle granted under Part III of this Act, so as to enable the constable to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which it was issued; and shall in prescribed circumstances, on being so required by the constable, state his date of birth.
- (2) Where a licence to drive a motor vehicle granted under Part III of this Act has been revoked by the Secretary of State under section 87 or 89 thereof then if the holder of the licence fails to deliver it to the Secretary of State in pursuance of that section a constable may require him to produce it, and upon its being produced may seize it and deliver it to the Secretary of State.
- (3) Where a constable has reasonable cause to believe that the person to whom a licence to drive a motor vehicle has been granted under Part III of this Act, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the licence the constable may require the holder of the licence to produce it to him.
- (4) If a person required under the foregoing provisions of this section to produce a licence or state his date of birth to a constable fails to do so he shall be guilty of an offence; but if within five days after the production of his licence was so required he produces the licence in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this subsection.
- (5) Where in accordance with this section a person has stated his date of birth to a constable, the Secretary of State may serve on that person a notice in writing requiring him to furnish the Secretary of State—
- (a) with such evidence in that person's possession or obtainable by him as the Secretary of State may specify for the purposes of verifying that date ; and
 - (b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time;

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and a person who knowingly fails to comply with a notice under this subsection shall be guilty of an offence.

- (6) A notice authorised to be served on any person by subsection (5) above may be served on him by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this subsection and section 26 of the Interpretation Act 1889 in its application to this subsection the proper address of any person shall be his latest address as known to the person giving the notice.

162 Power of constables to obtain names and addresses of drivers and others, and to require production of evidence of insurance or security and test certificates

- (1) Any such person as follows, that is to say,—
- (a) a person driving on a road a motor vehicle (other than an invalid carriage), or
 - (b) a person whom a constable has reasonable cause to believe to have been the driver of a motor vehicle (other than an invalid carriage) at a time when an accident occurred owing to its presence on a road, or
 - (c) a person whom a constable has reasonable cause to believe to have committed an offence in relation to the use on a road of a motor vehicle (other than an invalid carriage),

shall, on being so required by a constable, give his name and address and the name and address of the owner of the vehicle and produce for examination—

- (i) the relevant certificate of insurance or certificate of security within the meaning of Part VI of this Act, or such other evidence that the vehicle is not or was not being driven in contravention of section 143 thereof as may be prescribed by regulations made by the Secretary of State,
- (ii) in relation to a vehicle to which section 44 of this Act applies, a test certificate issued in respect thereof as mentioned in subsection (1) of that section, and
- (iii) in relation to a goods vehicle the use of which on a road without a plating certificate, goods vehicle test certificate or one or more certificates in force under section 47 of this Act is an offence under section 46(1) or (2) or 51(1) of this Act, any such certificate issued in respect of that vehicle or any trailer drawn by it,

and if he fails to do so he shall, subject to subsection (2) below, be guilty of an offence.

- (2) A person shall not be convicted of an offence under subsection (1) above by reason only of failure to produce any certificate or other evidence to a constable if, within five days after the date on which the production of the certificate or other evidence was required, it is produced at such police station as may have been specified by him at the time when its production was required.
- (3) A person who supervises the holder of a provisional licence granted under Part III of this Act while the holder is driving on a road a motor vehicle (other than an invalid carriage) or whom a constable has reasonable cause to believe was supervising the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road shall, on being so required by a constable, give his name and address and the name and address of the owner of the vehicle, and if he fails to do so he shall be guilty of an offence.

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- (4) In this section "owner", in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement.

163 Powers of certifying officers and examiners as respects goods vehicles

A certifying officer appointed under Part III of the Road Traffic Act 1960 or an examiner appointed under section 56 of this Act may at any time, on production if so required of his authority, exercise in the case of goods vehicles all such powers as are, under section 161(1) or 162 of this Act, exercisable by a constable.

164 Penalisation of failure to give name and address, and power of arrest, in case of dangerous or careless driving or cycling, etc.

- (1) Any such person as the following, namely—
- (a) the driver of a motor vehicle who is alleged to have committed an offence against section 2 or 3 of this Act, or
 - (b) the rider of a cycle who is alleged to have committed an offence against section 17 or 18 of this Act,

who refuses, on being so required by any person having reasonable ground for so requiring, to give his name or address, or gives a false name or address, shall be guilty of an offence.

- (2) A constable may—
- (a) arrest without warrant the driver of a motor vehicle who within his view commits an offence against section 2 or 3 of this Act unless the driver either gives his name and address or produces for examination his licence to drive a motor vehicle granted under Part III of this Act;
 - (b) arrest without warrant the rider of a cycle who within his view commits an offence against section 17 or 18 of this Act unless the rider gives his name and address.

165 Pedestrian contravening constable's direction to stop to give name and address

A constable may require a person committing an offence against section 23 of this Act to give his name and address, and if that person fails to do so he shall be guilty of an offence.

166 Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident

- (1) If in a case where, owing to the presence on a road of a motor vehicle (other than an invalid carriage) an accident occurs involving personal injury to another person, the driver of the vehicle does not at the time produce to a constable or some person who, having reasonable grounds for so doing, has required its production, such a certificate of insurance or security, or other evidence, as is mentioned in paragraph (i) of section 162(1) of this Act, the driver shall as soon as possible, and in any case within twenty-four hours of the occurrence of the accident, report the accident at a police station or to a constable and thereupon produce such a certificate or other evidence as aforesaid, and if he fails to do so he shall, subject to subsection (2) below, be guilty of an offence.

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- (2) A person shall not be convicted of an offence under subsection (1) above by reason only of a failure to produce a certificate or other evidence if, within five days after the occurrence of the accident, he produces the same in person at such police station as may be specified by him at the time when the accident was reported.

167 Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance or security

- (1) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by or on behalf of a chief officer of police to give for the purpose of determining whether the vehicle was or was not being driven in contravention of section 143 of this Act on any occasion when the driver was required under section 162(1) or 166 of this Act to produce such a certificate of insurance or security, or other evidence, as is mentioned in paragraph (i) of the said section 162(1); and a person who fails to comply with the requirement of this subsection shall be guilty of an offence.
- (2) In this section "owner", in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement.

168 Duty to give information as to identity of driver, etc. in certain cases

- (1) This section applies—
- (a) to any offence under the foregoing provisions of this Act and to an offence under section 175 of this Act except an offence under Part V thereof or under section 15, 32, 45(7), 50(5), 53(4), 55(5), 56(3), 91 or 119, and
 - (b) to offences against any other enactment relating to the use of vehicles on roads.
- (2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies—
- (a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required to give by or on behalf of a chief officer of police, and
 - (b) any other person shall if required as aforesaid give any information which it is in his power to give and may lead to the identification of the driver.

In this subsection references to the driver of a vehicle include references to the person riding a cycle, not being a motor vehicle.

- (3) A person who fails to comply with the requirement of subsection (2)(a) above shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle, or, as the case may be, the rider of the cycle, was; and a person who fails to comply with the requirement of subsection (2)(b) above shall be guilty of an offence.

Forgery, false statements, etc.

169 Forgery of documents, etc.

- (1) A person shall be guilty of an offence who, with intent to deceive—
- (a) forges, or alters, or uses or lends to, or allows to be used by, any other person, a document or other thing to which this section applies, or

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- (b) makes or has in his possession any document or other thing so closely resembling a document or other thing to which this section applies as to be calculated to deceive.
- (2) This section applies to the following documents and other things, namely—
- (a) any licence under any Part of this Act;
 - (b) any test certificate, goods vehicle test certificate, plating certificate, manufacturer's certificate or Minister's approval certificate;
 - (c) any plate containing plated particulars or containing other particulars required to be marked on a goods vehicle by section 47 of this Act or regulations thereunder ;
 - (d) any records required to be kept by virtue of section 59 of this Act;
 - (e) any document which, in pursuance of section 85(2) or 119(1) of this Act, is issued as evidence of the result of a test of competence to drive ;
 - (f) any badge or certificate prescribed by regulations under section 135 of this Act;
 - (g) any certificate of insurance or certificate of security under Part VI of this Act;
 - (h) any document issued under regulations made by the Secretary of State in pursuance of his power under paragraph (i) of section 162(1) of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security.
- (3) In this section " plated particulars", " manufacturer's certificate " and " Minister's approval certificate " have the same meanings as they respectively have for the purposes of Part II of this Act; and in the application of this section to England and Wales " forges " means forges within the meaning of the Forgery Act 1913.

170 False statements and withholding material information

- (1) A person shall be guilty of an offence who knowingly makes a false statement for the purpose—
- (a) of obtaining the grant of a licence under any Part of this Act to himself or any other person, or
 - (b) of preventing the grant of any such licence, or
 - (c) of procuring the imposition of a condition or limitation in relation to any such licence, or
 - (d) of securing the entry or retention of the name of any person in the register of approved instructors maintained under Part V of this Act.
- (2) A person shall be guilty of an offence who in supplying information or producing documents for the purposes either of section 46, 47, 48, 49 or 51 of this Act or of regulations made under section 45, 50 or 52(2) thereof makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or produces, furnishes, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, furnishes, sends or otherwise makes use of a document which is false in a material particular.
- (3) A person shall be guilty of an offence who knowingly produces false evidence for the purposes of regulations under section 52(1) of this Act or knowingly makes a false statement in a declaration required to be made by the regulations.

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- (4) A person shall be guilty of an offence who knowingly makes a false statement in a certificate or declaration under section 54 of this Act (including that section as applied by section 55(3) thereof).
- (5) A person shall be guilty of an offence who wilfully makes a false entry in any record required to be made or kept by regulations under section 59 of this Act or, with intent to deceive, makes use of any such entry which he knows to be false.
- (6) A person shall be guilty of an offence who makes a false statement or withholds any material information for the purpose of obtaining the issue—
 - (a) of a certificate of insurance or certificate of security under Part VI of this Act. or
 - (b) of any document issued under regulations made by the Secretary of State in pursuance of his power under paragraph (i) of section 162(1) of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security.
- (7) Section 64(2) of this Act shall apply for the purposes of proceedings under subsections (2) and (5) above as it applies for the purposes of the proceedings mentioned in that subsection.

171 Issue of false documents

A person shall be guilty of an offence who issues any such document as is referred to in paragraph (a) or (b) of section 170(6) of this Act, or a test certificate or manufacturer's certificate (within the meaning of Part II of this Act) if the document or certificate so issued is to his knowledge false in a material particular.

172 Using goods vehicle with unauthorised weights as well as authorised weights marked thereon

If there is fixed to a goods vehicle a plate containing plated weights of any description determined for that vehicle by virtue of section 45 of this Act or specified in a certificate therefor under section 47(5), (6), (8) or (11) of this Act, the vehicle shall not, while it is used on a road, be marked with any other weights, except other plated weights, other weights required or authorised to be marked on the vehicle by regulations under section 40 of this Act or weights so authorised for the purposes of this section by regulations made by the Secretary of State and marked in the prescribed manner; and in the event of a contravention of or failure to comply with this section the owner of the vehicle shall be guilty of an offence.

173 Power to seize articles with respect to which offences under ss.169 to 171 may have been committed

- (1) If a constable has reasonable cause to believe that a document produced to him in pursuance of section 137 of this Act, or in pursuance of any of the foregoing provisions of this Part of this Act, is a document in relation to which an offence has been committed under section 169, 170 or 171 of this Act or under section 86 of the Road Traffic Regulation Act 1967, he may seize the document; and when a document is seized under this subsection, the person from whom it was taken shall, unless the document has been previously returned to him or he has been previously charged with an offence under any of those sections, be summoned before a magistrates' court or,

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in Scotland, the sheriff to account for his possession of the said document and the court or sheriff shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.

(2) If a constable, a certifying officer appointed under Part III of the Road Traffic Act 1960 or an examiner appointed under section 56 of this Act has reasonable cause to believe that a document or plate carried on a motor vehicle or by the driver thereof is a document or plate in relation to which an offence has been committed under section 169, 170 or 171 of this Act in so far as they apply—

- (a) to documents evidencing the appointment of examiners for the purposes of sections 56 to 58 of this Act, or
- (b) to goods vehicle test certificates, plating certificates, manufacturers' certificates or Minister's approval certificates, or
- (c) to plates containing plated particulars or containing other particulars required to be marked on goods vehicles by section 47 of this Act or regulations made thereunder, or
- (d) to records required to be kept by virtue of section 59 of this Act,

he may seize the document or plate; and when a document or plate is seized under this subsection, either the driver or owner of the vehicle shall, if the document or plate is still detained and neither of them has previously been charged with an offence in relation thereto under section 169, 170 or 171 of this Act, be summoned before a magistrates' court or, in Scotland, the sheriff to account for his possession of, or the presence on the vehicle of, the said document or plate and the court or sheriff shall make such order respecting the disposal of the said document or plate and award such costs as the justice of the case may require.

For the purposes of this subsection the power to seize includes power to detach from a vehicle.

(3) In subsection (2) above "plated particulars", "manufacturer's certificate" and "Minister's approval certificate" have the same meanings as they respectively have for the purposes of Part II of this Act.

174 Personation of, or of person employed by, authorised examiner

A person shall be guilty of an offence if, with intent to deceive, he falsely represents himself to be, or to be employed by, a person authorised by the Secretary of State for the purposes of section 43 of this Act.

Offences in Scotland

175 Taking motor vehicle without authority, etc.

(1) A person who in Scotland—

- (a) takes and drives away a motor vehicle without having either the consent of the owner thereof or other lawful authority, or
- (b) knowing that a motor vehicle has been so taken, drives it or allows himself to be carried in or on it without such consent or authority,

shall, subject to subsection (2) below, be guilty of an offence.

(2) If on proceedings under this section on indictment the jury, or on summary proceedings under this section the court, are satisfied that the accused acted in the reasonable belief

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that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked for it, the accused shall not be liable to be convicted of the offence.

- (3) A constable may arrest without warrant a person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

176 Penalty for aiding, abetting, etc. commission of offences

As respects Scotland, a person who aids, abets, counsels, procures or incites any other person to commit an offence against the provisions of this Act or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to the same punishment as might be imposed on conviction of the first-mentioned offence.

Prosecution and punishment of offences and other provisions relating to legal proceedings, etc.

177 Prosecution and punishment of offences

- (1) Part I of Schedule 4 to this Act shall have effect with respect to the prosecution and punishment of the offences against the provisions of this Act specified in column 1 of that Part of that Schedule or regulations made thereunder (of which the general nature is indicated in column 2 thereof).
- (2) In relation to any such offence—
- (a) column 3 of that Part of that Schedule shows whether the offence is punishable on summary conviction or on indictment or either in one way or the other ;
 - (b) column 4 of that Part of that Schedule shows the maximum, punishment by way of fine or imprisonment which may be imposed on a person convicted of the offence in the way specified in relation thereto in column 3 (that is to say, summarily or on indictment), any reference in column 4 to a period of years or months being construed as a reference to a term of imprisonment of that duration ;
 - (c) column 5 of that Part of that Schedule shows in relation to which offences the court is required by section 93(1) or empowered by section 93(2) of this Act to order the person convicted to be disqualified for holding or obtaining a licence to drive a motor vehicle under Part III of this Act (whether or not the court is also required to disqualify him for an additional period by section 93(3) of this Act), any reference in column 5 to obligatory disqualification importing such a requirement and any reference therein to discretionary disqualification importing such a power ;
 - (d) column 6 of that Part of that Schedule shows in relation to which offences the court is required by section 101(1) of this Act to order that particulars of the conviction, and, if the court orders him to be disqualified, particulars of the disqualification, are to be endorsed on any licence held by him ; and
 - (e) column 7 of that Part of that Schedule applies to such of the offences against provisions of this Act specified in column 1 as are indicated by entries against those offences in column 7 the additional provisions of this Act (relating to the prosecution and trial of such offences) specified in those entries.
- (3) Parts II and III of that Schedule show offences which are not offences under this Act and are not punishable thereunder but on conviction of which the court is required by

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section 93(1) or, as the case may be, empowered by section 93(2) of this Act to order the person convicted to be disqualified for holding or obtaining a licence to drive a motor vehicle under Part III of the Act and, in either case, required by section 101(1) of this Act to order that particulars of the conviction, and, if the court orders him to be disqualified, particulars of the disqualification, are to be endorsed on any licence held by him.

- (4) The provisions contained in Part IV of that Schedule (being provisions as to alternative verdicts, as to charges which may be preferred when a person is not convicted of an offence charged and as to the conviction of persons of certain offences despite the absence of a warning of prosecution of those offences) shall have effect in relation to such of the offences against provisions of this Act specified in column 1 of Part I of that Schedule as are indicated by entries against those offences in column 7 of that Part; and in Scotland the provisions of paragraph 3 of Part IV shall have effect also in relation to the offence shown in Part II of that Schedule.
- (5) Part V of that Schedule shall have effect for the interpretation of that Schedule.
- (6) Any reference in that Schedule to a section by its number only is a reference to a section of this Act.

178 Penalty for breach of regulations

If a person acts in contravention of or fails to comply with any regulations made by the Secretary of State under this Act (other than regulations made under section 20, 43, 54, including that section as applied by section 55, or 133 thereof) and contravention thereof, or failure to comply therewith, is not made an offence under any other provision of this Act, he shall for each offence be liable on summary conviction to a fine not exceeding £20.

179 Restrictions on prosecutions for certain offences

- (1) This section applies to—
 - (a) any offence under this Act to which it is applied by column 7 of Part I of Schedule 4 to this Act; and
 - (b) any offence under section 77(7) of the Road Traffic Regulation Act 1967 or punishable by virtue of section 78A of that Act.
- (2) Subject to the following provisions of this section and to the provisions of paragraphs 5, 6 and 7 of Part IV of the said Schedule 4, where a person is prosecuted for an offence to which this section applies he shall not be convicted unless either—
 - (a) he was warned at the time the offence was committed that the question of prosecuting him for some one or other of the offences to which this section applies would be taken into consideration ; or
 - (b) within fourteen days of the commission of the offence a summons (or, in Scotland, a complaint) for the offence was served on him ; or
 - (c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed, was—
 - (i) in the case of an offence against section 17 or 18 of this Act, served on him,

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- (ii) in the case of any other offence, served on him or on the person, if any, registered as the keeper of the vehicle at the time of the commission of the offence;

and the notice shall be deemed for the purposes of paragraph (c) above to have been served on any person if it was sent by registered post or recorded delivery service addressed to him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him.

- (3) The requirement of subsection (2) above shall in every case be deemed to have been complied with unless and until the contrary is proved.
- (4) Failure to comply with the requirement of subsection (2) above shall not be a bar to the conviction of the accused in a case where the court is satisfied—
- (a) that neither the name and address of the accused nor the name and address of the registered keeper, if any, could with reasonable diligence have been ascertained in time for a summons or, as the case may be, a complaint to be served or for a notice to be served or sent in compliance with the said requirement; or
 - (b) that the accused by his own conduct contributed to the failure.

180 Time within which summary proceedings for certain offences must be commenced

Summary proceedings for an offence under this Act to which this section is applied by column 7 of Part I of Schedule 4 to this Act may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than three years after the commission of the offence.

For the purposes of this section a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

181 Evidence by certificate

- (1) In any proceedings in England or Wales for an offence under this Act to which this section is applied by column 7 of Part I of Schedule 4 to this Act or which is punishable by virtue of section 178 thereof or for an offence against any other enactment relating to the use of vehicles on roads a certificate in the prescribed form, purporting to be signed by a constable and certifying that a person specified in the certificate stated to the constable—
- (a) that a particular motor vehicle was being driven or used by, or belonged to, that person on a particular occasion, or
 - (b) that a particular motor vehicle on a particular occasion was used by, or belonged to, a firm in which that person also stated that he was at the time of the statement a partner, or
 - (c) that a particular motor vehicle on a particular occasion was used by, or belonged to, a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

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shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or to whom it belonged, as the case may be, on that occasion.

- (2) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.
- (3) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence—
 - (a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence, or
 - (b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.
- (4) In this section " prescribed " means prescribed by rules made by the Secretary of State by statutory instrument.

182 Admissibility of records as evidence

- (1) A statement contained in a document purporting to be—
 - (a) a part of the records maintained by the Secretary of State in connection with any functions exercisable by him by virtue of Part III of this Act or a part of any other records maintained by the Secretary of State with respect to vehicles; or
 - (b) a copy of a document forming part of those records; or
 - (c) a note of any information contained in those records,and to be authenticated by a person authorised in that behalf by the Secretary of State shall be admissible in any proceedings as evidence of any fact stated therein to the same extent as oral evidence of that fact is admissible in those proceedings.
- (2) In subsection (1) above " document" and " statement" have the same meanings as in section 10(1) of the Civil Evidence Act 1968, and the reference to a copy of a document shall be construed in accordance with section 10(2) of that Act; but nothing in this subsection shall be construed as limiting to civil proceedings the references to proceedings in subsection (1) above.
- (3) Nothing in the foregoing provisions of this section shall enable evidence to be given with respect to any matter other than a matter of the prescribed description.
- (4) In its application to Scotland this section shall have effect as if—
 - (a) in subsection (1), for the words from "as evidence" onwards there were substituted the words " as sufficient evidence of any fact stated therein, so however that nothing in this subsection shall be deemed to make such a statement evidence in any proceedings except where oral evidence to the like effect would have been admissible in those proceedings "; and
 - (b) in subsection (2), for the references to section 10(1) and (2) of the Civil Evidence Act 1968 there were substituted references to section 17(3) and (4) respectively of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968.

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183 Proof, in summary proceedings, of identity of driver of vehicle

Where on the summary trial in England or Wales of an information for an offence under this Act to which this section is applied by column 7 of Part I of Schedule 4 to this Act or which is punishable by virtue of section 178 thereof or for an offence against any other enactment relating to the use of vehicles on roads—

- (a) it is proved to the satisfaction of the court, on oath or in manner prescribed by rules made under section 15 of the Justices of the Peace Act 1949, that a requirement under section 168(2) of this Act to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post; and
- (b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

184 Jurisdiction of courts of summary jurisdiction in Scotland for certain offences

An offence under this Act, or any regulations made under this Act, for which the maximum penalty does not exceed £50 (other than an offence under section 54 (including that section as applied by section 55(3)), 61, 136 or 137 of this Act or an offence involving discretionary disqualification within the meaning of Part III of this Act) may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed.

185 Destination of fines

- (1) All sums paid to the Secretary of State under section 27 of the Justices of the Peace Act 1949 in respect of fines imposed in respect of offences under the foregoing provisions of this Act or the regulations made thereunder (whether imposed on conviction on indictment or by a magistrates' court) shall be deemed to be Exchequer moneys within the meaning of the said section 27.
- (2) There shall be paid into the Consolidated Fund all fines imposed in respect of offences committed in Scotland under the foregoing provisions of this Act or the regulations made thereunder, except offences under the following provisions, namely, sections 1(1), 5(2), 20(1), 23, 31(1), 33(2), 35, 44(1), 53(4), 54(5), 54(6) (including the last two subsections as applied by section 55(3)), 55(5), 61(2), 165, 170(3), 170(4), 174 and an offence under section 161(4) consisting of a contravention of subsection (2) or (3) of that section.

Inquiries

186 General power to hold inquiries

Without prejudice to any other provision of this Act, the Secretary of State may hold inquiries for the purposes of this Act.

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187 General provisions as to inquiries

- (1) Where under any of the provisions of this Act an inquiry is held by the Secretary of State,—
- (a) notice of the inquiry may be given and published in accordance with such general or special directions as the Secretary of State may give ;
 - (b) the Secretary of State and, if authorised by him, the person appointed to hold the inquiry, may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or to produce any documents in his possession or power which relate to any matter in question at the inquiry, and are such as would be subject to production in a court of law;
 - (c) the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths;
 - (d) the Secretary of State may make such order as to the payment of the costs incurred by him in connection with the inquiry (including such reasonable sum not exceeding £30 a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and may certify the amount of the costs so incurred, and any amount so certified and directed by the Secretary of State to be paid by any person shall be recoverable from that person, and shall be so recoverable, in England or Wales, either as a debt due to the Crown or by the Secretary of State summarily as a civil debt, and in Scotland by the Secretary of State.
- (2) If a person fails without reasonable excuse to comply with any of the provisions of an order under paragraph (b) of subsection (1) above, he shall be guilty of an offence.

Application to the Crown

188 Application to Crown

- (1) Subject to the provisions of this section—
- (a) Part I of this Act,
 - (b) Part II of this Act, except sections 56, 57, 58, 59 and 61,
 - (c) Part III of this Act, except section 100,
 - (d) Part IV of this Act, and
 - (e) in this Part, sections 159, 160, 161, 164, 165, 174, 175 and 179,
- shall apply to vehicles and persons in the public service of the Crown.
- (2) Section 162 of this Act, in so far as it provides for the production of test certificates and the giving of names and addresses, shall apply to a person in connection with a vehicle to which section 44 of this Act applies notwithstanding that he or the driver is or was at any material time in the public service of the Crown; and subsection (1) of the said section 162, in so far as it provides for the production of any certificate mentioned in paragraph (iii) thereof, shall apply to a person in connection with a goods vehicle so mentioned notwithstanding that he or the driver is or was at any material time in the public service of the Crown.
- (3) Section 4 of this Act (in so far as it imposes restrictions on persons under twenty-one years of age with respect to the driving of heavy locomotives, light locomotives, motor tractors, heavy motor cars or motor cars) shall not apply in the case of motor vehicles owned by the Secretary of State for Defence and used for naval, military or

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air force purposes, or in the case of vehicles so used while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.

- (4) Sections 45 to 51 and section 62 of this Act shall apply to goods vehicles in the public service of the Crown only if they are registered or liable to be registered under the Vehicles (Excise) Act 1971, and to trailers in the public service of the Crown only while drawn by goods vehicles (whether or not in the public service of the Crown) which are required to be so registered; and shall so apply subject to the following modifications:—
- (a) examinations of such vehicles in pursuance of regulations under section 45 or 50(1)(a) of this Act may be made by or under the direction of examiners authorised by the Secretary of State for the purpose instead of by or under the directions of examiners appointed under section 56 of this Act or of certifying officers appointed under Part III of the Road Traffic Act 1960;
 - (b) section 45(3) of this Act shall not apply to the determination of an examiner so authorised on any such examination, but any person aggrieved by such a determination may appeal to the Secretary of State and on the appeal the Secretary of State shall cause the vehicle to be re-examined by an officer appointed by him for the purpose and may make such determination on the basis of the re-examination as he thinks fit.
- (5) Section 65 of this Act shall not apply in the case of motor vehicles owned by the Secretary of State for Defence and used for naval, military or air force purposes, or in the case of vehicles so used while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.
- (6) Neither subsection (2) nor subsection (4) of section 88 of this Act in so far as it prevents such a licence as is there mentioned from authorising a person to drive motor cycles whereof the cylinder capacity of the engine exceeds 250 cubic centimetres shall apply in the case of motor cycles owned by the Secretary of State for Defence and used for naval, military or air force purposes, or in the case of motor cycles so used while being ridden by persons for the time being subject to the orders of a member of the armed forces of the Crown.
- (7) The function of issuing licences under Part IV of this Act to persons subject to the Naval Discipline Act 1957, to military law or to air force law to drive goods vehicles in the public service of the Crown and of revoking and suspending such licences shall be exercised by the prescribed licensing authority; and references in that Part to the licensing authority shall be construed accordingly.
- (8) For the purpose of proceedings for an offence under this Act (except an offence under section 81) in connection with a vehicle in the public service of the Crown, being proceedings against a person other than the driver or rider of the vehicle the person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that the driver or rider only was responsible.
- (9) For the purposes of sections 68 to 81 of this Act in their application to vehicles in the public service of the Crown, the person whom the department in whose service any such vehicle is used names as the person actually responsible shall be deemed to be the person who causes or permits the vehicle to be on the road.

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189 Application of ss.6 to 11 to persons subject to service discipline

- (1) Sections 6 to 11 of this Act shall, in their application to persons subject to service discipline, apply outside as well as within Great Britain and have effect as if—
- (a) references to proceedings for an offence under any enactment included references to proceedings for the corresponding service offence;
 - (b) references to the court included a reference to any naval, military or air force authority before whom the proceedings take place;
 - (c) references to a constable included references to a member of the provost staff;
 - (d) references to a police station included references to a naval, military or air force unit or establishment;
 - (e) references to a hospital included references to a naval, military or air force unit or establishment at which medical or surgical treatment is provided for persons subject to service discipline;
 - (f) in section 8(1) the reference to a traffic offence included a reference to the corresponding service offence;
 - (g) in section 9(7) the reference to disqualification were omitted and for the reference to directing an acquittal there were substituted a reference to finding the person in question not guilty without further proceeding with the case; and
 - (h) in section 10, subsection (4) were omitted.
- (2) In relation to persons for the time being subject to service discipline the power to arrest conferred on a constable by section 5(5) of this Act shall also be exercisable by a member of the provost staff and shall be so exercisable outside as well as within Great Britain.
- (3) In this section—
- " corresponding service offence ", in relation to an offence under any enactment, means an offence under section 42 of the Naval Discipline Act 1957 or an offence against section 70 of the Army Act 1955 or section 70 of the Air Force Act 1955 committed by an act or omission which is punishable under that enactment or would be so punishable if committed in Great Britain ;
 - " member of the provost staff " means a provost officer or any person legally exercising authority under or on behalf of a provost officer;
 - " persons subject to service discipline " means persons subject to the said Act of 1957, to military law or to air force law and other persons to whom section 42 of the said Act of 1957 or section 70 of either of the said Acts of 1955 for the time being applies;
 - " provost officer " means a person who is a provost officer within the meaning of the said Act of 1957 or either of the said Acts of 1955.

Interpretation

190 Interpretation of expressions relating to motor vehicles and classes thereof

- (1) In this Act " motor vehicle " means a mechanically propelled vehicle intended or adapted for use on roads, and " trailer " means a vehicle drawn by a motor vehicle:
- Provided that a side-car attached to a motor cycle shall, if it complies with such conditions as may be specified in regulations made by the Secretary of State, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

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- (2) In this Act "motor car" means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen—
 - (a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Secretary of State, does not exceed three tons;
 - (b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed three tons, or three tons and a half if the vehicle carries a container or containers for holding for the purpose of its propulsion any fuel which is wholly gaseous at 60° Fahrenheit under a pressure of 30 inches of mercury or plant and materials for producing such fuel;
 - (c) does not exceed two tons and a half in a case falling within neither of the foregoing paragraphs.
- (3) In this Act " heavy motor car" means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds two tons and a half.
- (4) In this Act " motor cycle " means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed eight hundredweight.
- (5) In this Act " invalid carriage " means a mechanically propelled vehicle the weight of which unladen does not exceed five hundredweight and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person.
- (6) In this Act " motor tractor " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment, and the weight of which unladen does not exceed seven tons and a quarter.
- (7) In this Act " light locomotive" means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles aforesaid, and the weight of which unladen does not exceed eleven tons and a half but does exceed seven tons and a quarter.
- (8) In this Act " heavy locomotive " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles aforesaid, and the weight of which unladen exceeds eleven tons and a half.
- (9) For the purposes of this section, in a case where a motor vehicle is so constructed that a trailer may by partial super-imposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load.
- (10) For the purposes of this section, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load or goods or burden of any description, but shall be deemed to form part of the vehicle.

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- (11) The Secretary of State may by regulations vary any of the maximum or minimum weights specified in the foregoing provisions of this section, and such regulations may have effect either generally or in the case of vehicles of any class specified in the regulations and either for the purposes of this Act except sections 68 to 81 and of all regulations thereunder or for such of those purposes as may be so specified ; and nothing in section 78 of the Road Traffic Regulation Act 1967 shall be construed as limiting the powers conferred by this subsection.

191 Articulated vehicles

A vehicle so constructed that it can be divided into two parts both of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of this Act as that motor vehicle with the other part attached as a trailer.

192 Hover vehicles

- (1) For the purposes of this Act a hovercraft within the meaning of the Hovercraft Act 1968 (in this section referred to as a hover vehicle)—
- (a) shall be a motor vehicle, whether or not it is adapted or intended for use on roads; but
 - (b) shall be treated, subject to subsection (2) below, as not being a vehicle of any of the classes defined in subsections (2) to (8) of section 190 of this Act.
- (2) The Secretary of State may by regulations provide—
- (a) that any provision of this Act which would otherwise apply to hover vehicles shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations; or
 - (b) that any such provision which would not otherwise apply to hover vehicles shall apply to them, subject to such modifications (if any) as may be specified in the regulations.
- (3) For the purposes of the Hovercraft Act 1968 (under which enactments and instruments relating, amongst other things, to motor vehicles may, if passed before the commencement of that Act, be applied to hovercraft) any enactment contained in or instrument made under this Act shall be treated as included among the enactments and instruments which can be so applied.

193 Certain vehicles not to be treated as motor vehicles

- (1) For the purposes of this Act—
- (a) a mechanically propelled vehicle being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any Other purpose, and
 - (b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Secretary of State for the purposes of this section and section 103 of the Road Traffic Regulation Act 1967,
- shall be treated as not being a motor vehicle.
- (2) In subsection (1) above " controlled by a pedestrian " means that the vehicle either—
- (a) is constructed or adapted for use only under such control or,

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- (b) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it.

194 Method of calculating weight of motor vehicles and trailers

For the purposes of this Act and of the Road Traffic Regulation Act 1967, and of any other enactment relating to the use of motor vehicles or trailers on roads, the weight unladen of a vehicle or trailer shall be taken to be the weight of the vehicle or trailer inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle or trailer when working on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, or, as the case may be, of any vehicle by which the trailer is drawn, and of loose tools and loose equipment.

195 Interpretation of statutory references to carriages

A motor vehicle or trailer shall be deemed to be a carriage within the meaning of any Act of Parliament, whether a public general Act or a local Act, and of any rule, regulation or byelaw made under any Act of Parliament, and if used as a carriage of any particular class shall for the purpose of any enactment relating to carriages of any particular class be deemed to be a carriage of that class.

196 General interpretation provisions

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"bridleway" means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the way ;

"carriage of goods" includes the haulage of goods ;

"cycle" means a bicycle, tricycle, or cycle having four or more wheels, not being in any case a motor vehicle;

except for the purposes of section 1, "driver", where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and "drive" shall be construed accordingly;

"footpath" means a way over which the public have a right of way on foot only ;

"goods" includes goods or burden of any description ;

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted ;

"goods vehicle test certificate" has the meaning assigned to it by section 45(1) of this Act;

"highway authority" means—

- (a) for the purposes of the application of this Act to England or Wales, in relation to a road other than a trunk road, the authority (being either the council of a county, the council of a county borough, the council of a

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non-county borough or an urban district, the Common Council of the City of London, the council of a London borough or the Greater London Council) which is responsible for the maintenance of the road, and in relation to a trunk road, the Secretary of State;

(b) for the purposes of the application of this Act to Scotland, in relation to a road other than a trunk road, a county council or the town council of a burgh charged with the maintenance and management of any of the highways therein, and, in relation to a trunk road, the Secretary of State;

" magistrates' court " and " petty sessions area " have the same meanings as in the Magistrates' Courts Act 1952 ;

" 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;

" plating certificate " has the meaning assigned to it by section 45(1) of this Act;

" prescribed " means prescribed by regulations made by the Secretary of State;

" road " means any highway and any other road to which the public has access, and includes bridges over which a road passes;

" statutory ", in relation to any prohibition, restriction, requirement or provision, means contained in, or having effect under, any enactment (including any enactment contained in this Act);

" test certificate " has the meaning assigned to it by section 43(2) of this Act;

" traffic sign " has the meaning assigned to it by section 54(1) of the Road Traffic Regulation Act 1967 ;

" tramcar " includes any carriage used on any road by virtue of an order made under the Light Railways Act 1896;

" trolley vehicle " means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

- (2) References in this Act to a class of vehicles shall be construed as references to a class defined by reference to any characteristics of the vehicles or to any other circumstances whatsoever.
- (3) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any subsequent enactment.

197 Effect of certain references to Scottish local authorities

Where any powers and duties are by this Act conferred or imposed, in relation to Scotland, on county councils and on the town councils of certain burghs only, all other burghs shall, for the purposes of those powers and duties, be deemed to be within the county.

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Exclusion of application of certain provisions to tramcars, trolley vehicles, etc.

198 Exclusion of application of certain provisions to tramcars, trolley vehicles, etc.

- (1) Sections 4, 14, 29, 30 and 36 of this Act shall not apply to tramcars or trolley vehicles operated under statutory powers and sections 2, 3, 5(1) and 26 thereof shall not apply to tramcars so operated.
- (2) None of the following provisions of this Act, and no order or regulations made under those provisions, that is to say, sections 34, 40, 44, 52, 60 and 65, shall apply to tramcars or trolley vehicles operated under statutory powers.
- (3) Sections 68 to 81 of this Act shall not apply to railway locomotives, carriages and trucks or to tramcars.
- (4) Part III of this Act shall not apply to tramcars operated under statutory powers and section 111 thereof shall not apply to trolley vehicles so operated.
- (5) Part VI of this Act shall not apply to tramcars or trolley vehicles operated under statutory powers.
- (6) Sections 159, 160, 162, 164, 166, 167, 175, 179, 194 and 195 of this Act shall not apply to tramcars or trolley vehicles operated under statutory powers and section 161 thereof shall not apply to tramcars so operated.
- (7) In this section " operated under statutory powers " means, in relation to tramcars or trolley vehicles, that their use is authorised or regulated by special Act of Parliament or by an order having the force of an Act.
- (8) Subsections (1), (2), (4), (5) and (6) above shall have effect subject to any such Act or order as is mentioned in subsection (7) above, and any such Act or order may apply to the tramcars or trolley vehicles to which it relates any of the provisions excluded by those subsections except sections 44 and 52.

Supplementary

199 Exercise of regulation-making powers and Parliamentary control thereover

- (1) Any power conferred by this Act upon the Secretary of State to make regulations shall be exercisable by statutory instrument.
- (2) Before making any regulations under this Act (other than regulations under section 12(1) or 182(3) or Part V thereof), the Secretary of State shall consult with such representative organisations as he thinks fit.
- (3) A statutory instrument whereby any such power as aforesaid is exercised (other than the power conferred by section 12(1) or 193 of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The Secretary of State shall not make any regulations under section 12(1) of this Act unless a draft of the regulations has been approved by both Houses of Parliament.
- (5) Regulations under section 193 of this Act shall not have effect unless approved by resolution of each House of Parliament.

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200 Provision, etc. of weighbridges

- (1) It shall be lawful for a highway authority to provide, erect, maintain and operate, or to join with another highway authority in providing, erecting, maintaining and operating, weighbridges or other machines for weighing vehicles or to contribute towards the cost of the provision, erection, maintenance and operation of any such weighbridge or other machine by any other authority or person.
- (2) The Secretary of State may exercise the powers conferred by subsection (1) above whether or not in his capacity as highway authority, but may provide, erect, maintain and operate any such machine on a road for which he is not the highway authority only with the consent of the highway authority, and accordingly the presence of any such machine on a road in consequence of the exercise of those powers by virtue of this subsection (as in any other case) shall not be taken to be an obstruction of the road.
- (3) The provision or erection, or the making of a contribution towards the provision or erection, of any such weighbridge or other machine shall be a purpose for which the highway authority may borrow.

201 Provisions as to Thames embankment

Section 41 of the Thames Embankment Act 1862 shall not apply to motor tractors, heavy motor cars, motor cars, motor cycles or invalid carriages, but save as aforesaid nothing in this Act shall affect the provisions of that section.

202 Protection of public interests

It is hereby declared that nothing in Part IV of this Act is to be treated as conferring on the holder of a licence granted under that Part any right to the continuance of any benefits arising from, or from a licence granted under, that Part, or from any conditions attached to any such licence.

203 Consequential and other amendments of other Acts

- (1) The enactments specified in Schedule 7 to this Act shall have effect subject to the amendments respectively specified in relation thereto in that Schedule.
- (2) There shall be inserted after section 78 of the Road Traffic Regulation Act 1967 the following section—

“78A Speeding offences generally.

- (1) A person convicted of an offence of driving a motor vehicle on a road at a speed exceeding a limit imposed by or under any enactment mentioned in subsection (3) below shall be liable on summary conviction to a fine not exceeding £50.
- (2) A person prosecuted for such an offence as aforesaid shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person prosecuted was driving the vehicle at a speed exceeding a specified limit.
- (3) The enactments referred to in subsection (1) above are—
 - (a) any enactment contained in this Act;

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- (b) section 2 of the Parks Regulation (Amendment) Act 1926;
- (c) any enactment passed after the commencement of the Road Traffic Act 1960.

(4) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time-table or schedule, or gives any directions, under which any journey or any stage or part of any journey is to be completed within some specified time, and it is not practicable in the circumstances of the case for that journey or that stage or part of the journey to be completed in the specified time without the commission of such an offence as is mentioned in subsection (1) above, the publication or issue of the said time-table or schedule or the giving of the directions may be produced as prima facie evidence that the employer, as the case may be, procured or incited the persons employed by him to drive the vehicles to commit such offence as aforesaid.”

204 Transitory modifications of this Act

- (1) This Act shall have effect subject to the modifications specified in Schedule 8 to this Act.
- (2) The modifications so specified shall cease to have effect on such day as the Secretary of State may by order made by statutory instrument appoint; and the Secretary of State may prescribe different days for different modifications specified in that Schedule to cease to have effect and different days for the modifications specified in paragraph 3 of that Schedule to cease to have effect in respect of different classes of vehicles to which those modifications apply, or may postpone or defer the cesser of those modifications in respect of any particular class of those vehicles.

205 General repeals, revocations, savings and transitional provisions

- (1) The enactments specified in Part I of Schedule 9 to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule, and the orders specified in Part II of that Schedule are hereby revoked to the extent specified in the third column of that Schedule.
- (2) The saving and transitional provisions contained in Schedule 10 to this Act shall have effect.

206 Saving for s.38 of Interpretation Act 1889

The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

207 Saving for law of nuisance

Nothing in this Act shall authorise a person to use on a road a vehicle so constructed or used as to cause a public or private nuisance, or in Scotland a nuisance, or affect the liability, whether under statute or common law, of the driver or owner so using such a vehicle.

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208 Commencement

This Act shall come into operation on 1st July 1972.

209 Short title and extent

- (1) This Act may be cited as the Road Traffic Act 1972.
- (2) This Act, except section 63 and except as provided by section 189, does not extend to Northern Ireland.