



# Road Traffic Act 1972

## 1972 CHAPTER 20

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *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 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.

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- (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.

## **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—

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- (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.