



# Road Traffic Act 1974

## 1974 CHAPTER 50

**E+W+S**

An Act to make further provision with respect to road traffic and operators' licences, and for connected purposes. [31st July 1974]

### *Liability of vehicle owners*

1—5. ....<sup>F1</sup> **E+W+S**

#### Textual Amendments

**F1** Ss. 1–5 repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 14**

6—9. ....<sup>F2</sup> **E+W+S**

#### Textual Amendments

**F2** Ss. 6–15, 20–22 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

### *Miscellaneous*

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15. ....<sup>F3</sup> **E+W+S**

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**Textual Amendments**  
**F3** Ss. 6–15, 20–22 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

<sup>F4</sup>**16** ..... **E+W+S**

**Textual Amendments**  
**F4** S. 16 repealed (1.1.1996) by 1995 c. 23, s. 60(2) **Sch. 8 Pt. I** (with ss. 54, 55); S.I. 1995/2181, **art. 2**

[<sup>F5</sup>**17** **E+W+S**

- (1) The Secretary of State may conduct experiments as to the effectiveness, safety and acceptability to the public of the construction in or on the surface of highways of artificial humps or depressions (in this section referred to as “road humps”) designed to control the speed of vehicles, and for this purpose he may, subject to the following provisions of this section, construct, maintain and remove road humps in any highway maintainable at the public expense, within the meaning of the <sup>M1</sup>Highways Act 1959.
- (2) Except with the consent of the highway authority, the Secretary of State shall not construct a road hump in a highway for which he is not the highway authority, and where a road hump has been constructed in such a highway in accordance with this section—
  - (a) neither the highway authority nor any other authority having power to maintain that highway shall remove or otherwise interfere with the road hump without the consent of the Secretary of State; and
  - (b) any obligation imposed on any other person having power to break open that highway to make good any damage to it or otherwise to reinstate it shall include an obligation to make good any damage to, or otherwise reinstate, the road hump.
- (3) In any case where the Secretary of State proposes to construct a road hump in a highway under this section, he shall—
  - (a) publish in one or more local newspapers circulating in the area in which the highway concerned is situated, and
  - (b) place at appropriate points on that highway, a notice of his proposal, stating the nature, dimensions and proposed location of the road hump, the address to which objections to his proposals may be sent and the period, which shall be not less than 21 days beginning with the date on which the notice is first published in accordance with paragraph (a) above, within which any such objections may be so sent.
- (4) The Secretary of State shall consider any objections sent to him in accordance with a notice under subsection (3) above and, if he thinks fit, may cause a local inquiry to be held; and section 279 of the Highways Act 1959 (provisions as to inquiries) shall have effect in relation to an inquiry caused to be held under this subsection as it has effect in relation to an inquiry caused to be held under that section.

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- (5) A road hump constructed in a highway in accordance with this section shall be removed not later than the expiry of the period of one year beginning with the day on which its construction began.
- (6) The power of the Secretary of State under subsection (1) above to construct, maintain and remove road humps in a highway includes power—
- (a) to exercise the powers of a highway authority in relation to the placing, maintenance and removal of any traffic sign, within the meaning of [<sup>F6</sup>the <sup>M2</sup>Road Traffic Regulation Act 1984], relating to a road hump in a highway for which he is not the highway authority, and
  - (b) to carry out any works ancillary to or consequential on the construction, maintenance or removal of a road hump or the exercise of any power conferred on him by paragraph (a) above,
- and the Secretary of State and a local highway authority may enter into an agreement for the carrying out by the local highway authority of any works (including works of maintenance) which the Secretary of State is empowered to carry out in relation to a road hump which he is authorised to construct or has constructed in accordance with this section (whether in a highway for which he is the highway authority or otherwise).
- (7) In relation to a road hump in a highway for which the Secretary of State is not the highway authority—
- (a) the highway authority for that highway, and
  - (b) any other authority having power to maintain that highway,
- may pay to the Secretary of State a contribution equal to the whole or any part of the expenditure incurred by him in connection with the construction, maintenance or removal of the hump or in the exercise of any other power relating to it.
- (8) Any road hump constructed in a highway in the exercise of the Secretary of State's powers under this section shall be so constructed and maintained that—
- (a) it does not raise the surface of the highway by more than 5 inches above, or lower that surface by more than 2 inches below, the surface of the highway on either side of the hump; and
  - (b) it is of such a shape that no damage is likely to be caused to the tyres of a vehicle passing over the hump.
- (9) If and so long as a road hump is constructed and maintained in a highway in accordance with this section and the presence of the hump is indicated by a traffic sign of a type prescribed or character authorised under [<sup>F7</sup>section 64 of the Road Traffic Regulation Act 1984]—
- (a) the road hump shall be treated as not constituting an obstruction to the highway; and
  - (b) the highway authority shall not be treated as being in breach of their duty to maintain the highway by reason only of the presence of the road hump.]

#### Textual Amendments

- F5** S. 17 repealed (E.W.) by [Transport Act 1981 \(c. 56, SIF 107:1, 126\)](#), s. 40, [Sch. 12 Pt. III](#) and (S.) (*prosp.*) by same enactment
- F6** Words substituted (S.) by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), [Sch. 13 para. 31\(a\)](#)
- F7** Words substituted (S.) by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), [Sch. 13 para. 31\(b\)](#)

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**Marginal Citations**

- M1 1959 c. 25
- M2 1984 c. 27(107:1).

**18 Experimental introduction of road humps for controlling vehicle speeds. E+W+S**

- (1) Notwithstanding anything in the <sup>M3</sup>Explosives Act 1875 or in any other enactment, a constable who is for the time being engaged in the regulation of traffic in a road or any person acting under his authority may, on or in the vicinity of the road, light and use a flare for the purpose of regulating the traffic.
- (2) In this section “flare” means a firework or other device designed to produce a light by a process of combustion.

**Marginal Citations**

- M3 1875 c. 17(51:2).

**19 ..... F8 E+W+S**

**Textual Amendments**

- F8 S. 19 repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 14

**20— ..... F9 E+W+S**  
**22.**

**Textual Amendments**

- F9 Ss. 6–15, 20–22 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, Sch. 4 paras. 1–3

**23 Variation of penalties for certain offences. E+W+S**

- <sup>F10</sup>(1) .....
- (2) Except in so far as the context otherwise requires, references in this Act to any other enactment shall be construed as referring to that enactment as amended by or under any other enactment, including this Act.

**Textual Amendments**

- F10 S. 23(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 14

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## 24 Interpretation. **E+W+S**

- (1) This Act may be cited as the Road Traffic Act 1974.
- (2) Schedule 6 to this Act, which contains minor amendments and amendments consequential on the provisions of this Act, shall have effect.
- (3) The enactments specified in Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (4) . . . . .<sup>F11</sup> this Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different purposes; and an order bringing into operation any provision of Schedule 7 to this Act may contain such savings from the effect of the repeal concerned as the Secretary of State considers to be appropriate.
- (5) This Act . . .<sup>F11</sup> does not extend to Northern Ireland . . .<sup>F11</sup>

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### Textual Amendments

**F11** Words repealed by [S.I. 1981/160, art. 3\(1\)\(b\)](#)

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### Modifications etc. (not altering text)

- C1** The text of ss. 16 and 24(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C2** Power of appointment conferred by s. 24(4) partly exercised: [S.I. 1974/2075](#); 1975/264, 489, 756, 1154, 1479, 1653; 1979/85; 1984/811

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## SCHEDULES

### SCHEDULE 1 **E+W+S**

. . . **F12**

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#### Textual Amendments

**F12** Sch. 1 repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 14**

### SCHEDULES 2 AND 3 **E+W+S**

. . . **F13**

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#### Textual Amendments

**F13** Schs. 2, 3 and 5 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

### <sup>F14</sup>SCHEDULE 4 **E+W+S**

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#### Textual Amendments

**F14** Sch. 4 repealed (1.1.1996) by 1995 c. 23, s. 60(2), **Sch. 8 Pt. I** (with ss. 54, 55); S.I. 1995/2181, **art. 2**

### SCHEDULE 5 **E+W+S**

. . . **F15**

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#### Textual Amendments

**F15** Schs. 2, 3 and 5 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

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## SCHEDULE 6 **E+W+S**

### MINOR AND CONSEQUENTIAL AMENDMENTS

1 ..... **F16**

#### Textual Amendments

**F16** Sch. 6 para. 1 repealed by Transport Act 1980 (c. 34, SIF 107:1, 126), **Sch. 9 Pt. I**

2 ..... **F17**

#### Textual Amendments

**F17** Sch. 6 para. 2 repealed by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), **Sch. 8**

3 ..... **F18**

#### Textual Amendments

**F18** Sch. 6 para. 3 repealed by Airports Authority Act 1975 (c. 78, SIF 9), **Sch. 6**

4—9. .... **F19**

#### Textual Amendments

**F19** Sch. 6 paras. 4—9 repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 14**

### *The <sup>M4</sup>Criminal Appeal Act 1968*

#### Marginal Citations

**M4** 1968 c. 19.

10 In section 31 of the Criminal Appeal Act 1968 (powers of Court of Appeal on appeals to that court which are exercisable by a single judge) after subsection (2) there shall be inserted the following subsection:—

“(2A) The power of the Court of Appeal to suspend a person’s disqualification under section 94A(2) of the Road Traffic Act 1972 may be exercised by a single judge in the same manner as it may be exercised by the Court.”

#### Modifications etc. (not altering text)

**C3** The text of Sch. 6 paras. 10 and 11 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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11 At the end of section 44 of that Act (powers of Court of Appeal on appeals to the House of Lords which are exercisable by a single judge) there shall be added the following subsection:—

“(2) The power of the Court of Appeal to suspend a person’s disqualification under section 94A(3) of the Road Traffic Act 1972 may be exercised by a single judge, but where the judge refuses an application to exercise that power the applicant shall be entitled to have the application determined by the Court of Appeal.”

**Modifications etc. (not altering text)**  
**C4** The text of Sch. 6 paras. 10 and 11 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

12—24. . . . . F20

**Textual Amendments**  
**F20** Sch. 6 paras. 12–24 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

SCHEDULE 7 **E+W+S**

Section 24(3).

ENACTMENTS REPEALED

**Modifications etc. (not altering text)**  
**C5** The text of Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	Section 130.  F21  In section 133, in subsection (1) the proviso and in subsection (4) the words “remove the suspension”, in the last place where they occur.
10 & 11 Eliz. 2. c. 59.	The Road Traffic Act 1962.	In Schedule 1, in Part III paragraphs 49 and 51.



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		In Schedule 4, the amendment of section 130 of the Road Traffic Act 1960.
1967 c. 76.	The Road Traffic Regulation Act 1967.	Section 9(10).
		In section 31, in subsection (3) the words from “or to imprisonment” to the end of the subsection.
		In section 42, in subsection (4) the words from “or to imprisonment” to the end of the subsection.
		Section 80(10).
		In section 85(1) the word “9(9)”.
1967 c. 80.	The Criminal Justice Act 1967.	In Schedule 3, in Part I the entry relating to section 147(2) of the Road Traffic Act 1960.
1972 c. 20.	The Road Traffic Act 1972.	In section 40(7) the words “or by or under sections 68 to 79 of this Act”.
		In section 47, in subsections (1), (2), (4), (5), (8), (12) and (13), as originally enacted, the word “goods”, in each place where it occurs.
		In section 48(3) the word “goods”.
		In section 50, in subsections (3) and (4) the word “goods”, in each place where it occurs, and in subsection (6) the word “goods”, in the second and third places where it occurs.
		In section 51, in subsections (1), (3) and (5)(a) the word “goods”, in each place where it occurs.
		In section 53(2) the word “and”, in the last place where it occurs.
		In section 62(2)(c) the words “46(5) or”.

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In section 64, in subsections (2) and (4) the word “goods”.

Section 65.

Sections 68 to 80.

Section 81(1).

In section 82 the definitions of “hours of darkness” and “public passenger vehicle”.

In section 88(5) the words “or any other licence of a description prescribed for the purposes of this subsection”.

In section 104, in subsection (1) the words from “orders”, in the first place where it occurs, to “this Act and”, in subsection (2) the words from “orders”, in the first place where it occurs, to “section 103(1) and”, in subsection (3) the words from “in consequence” to the end of the subsection and in subsection (6)(a) the words “orders his licence to be endorsed and”.

In section 105, in subsection (2) the words from “but where” to the end of the subsection.

In section 162(1)(iii) the words from “or one or more” to “section 47 of this Act” and the words “or 51(1)”.

In section 188, in subsection (4), the word “goods”, in both places where it occurs, and subsection (5).

In Schedule 4, in Part I the entry relating to section 65(5) of that Act.

In Schedule 8, paragraph 3.

Section 5.

Section 7(7).

1972 c. 27.

The Road Traffic (Foreign Vehicles) Act 1972.

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### Textual Amendments

**F21** Entry repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. I**

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**Changes and effects yet to be applied to :**

- s. 18 repealed by [2003 c. 22 Sch.](#)