



Transport Act 1978

1978 CHAPTER 55

Road traffic regulation

9 Lorries

- (1) Sections 56 to 58, 82, 83 and 160 of, and Schedule 4 to, the 1972 Act and sections 1, 2 and 7 of the Road Traffic (Foreign Vehicles) Act 1972 shall be amended as shown in Schedule 3 to this Act (the amendments being to extend powers of inspection and control of vehicles by means of spot checks for mechanical defect or overload and restrictions on further use of a vehicle found in breach of the relevant Acts and regulations).
- (2) In section 45 of the 1972 Act (regulations for checking condition of goods vehicles, determining plated weights, etc.), in subsection (6) (scope of regulation-making power), the following shall be added at the end of paragraph (a)—

“and

- (iii) require any such vehicle to be submitted for examination or re-examination for any purpose of plating or certification”.

10 Drivers' hours (EEC Rules)

In section 96 of the 1968 Act (restrictions on drivers' hours), after subsection (11 A) (added by the European Communities Act 1972, with a view to penalising contraventions of the applicable Community rules), there shall be inserted—

“(11B) But a person shall not be liable to be convicted under subsection (11A) if—

- (a) he proves the matters specified in paragraph (i) of subsection (11); or
- (b) being charged as the offender's employer or a person to whose orders the offender was subject, he proves the matters specified in paragraph (ii) of that subsection”.

11 Control of off-street parking

- (1) With a view to providing further means of regulating traffic in urban areas, Her Majesty may by Order in Council, provide for enabling the operation of public off-street parking places to be regulated—
 - (a) in English and Welsh counties, by the county council; and
 - (b) in Scottish regions and islands areas, by the regional or islands council.
- (2) An Order in Council under this section may make any such provision for the remainder of England and Wales, or for Scotland as the case may be, as is made for Greater London by section 36 of, and Schedule 5 to, the Transport (London) Act 1969 and shall be so framed as to conform with the 1969 provisions as respects all matters there dealt with, subject only to the modifications permitted or required by the following subsection and other minor and incidental modifications.
- (3) The modifications referred to above are that the Order—
 - (a) shall provide for controlled areas to be so designated that they comprise only premises to which there is no road access otherwise than (directly or indirectly) from one or more urban roads ;
 - (b) may in relation to Scotland substitute the regional or islands council for local authorities (which in the 1969 provisions are London borough councils and in the corresponding provisions to be made under this section for England and Wales are district councils);
 - (c) may take account of the repeal, amendment or replacement since 1969 of enactments then in force and also take account of Scottish legislation corresponding to legislation for England and Wales ; and
 - (d) may include, in place of references and requirements which are apposite only for London, corresponding references and requirements apposite for other areas of Great Britain.
- (4) Any such Order shall also require councils—
 - (a) to consult organisations representative of the disabled before deciding to propose the designation of a controlled area under the Order; and
 - (b) if representations are received from such organisations about the proposal, to send to the Secretary of State (together with copies of representations received from other organisations consulted) a statement of how parking requirements of the disabled arising from implementation of the proposal are met by existing facilities or, if in the opinion of the council they are not already so met, how it is intended to meet them.
- (5) In this section—
 - (a) " public off-street parking place " means a place, whether above or below the ground and whether or not consisting of or including buildings, where parking space for motor vehicles off the highway is made available to the public for payment;
 - (b) the reference to the operation of such a parking place is to making such parking space at a parking place so available;
 - (c) " urban road " means a road which—
 - (i) is a restricted road for the purposes of section 71 of the Road Traffic Regulation Act 1967 (30 m.p.h. speed limit), or
 - (ii) is subject to an order under section 74 of that Act imposing a speed limit of not more than 40 m.p.h.; and

- (d) " the 1969 provisions" means section 36 of, and Schedule 5 to, the Transport (London) Act 1969.
- (6) An Order in Council made under this section may be varied or revoked by a subsequent Order so made, and shall be subject to annulment by resolution of either House of Parliament.

12 Bicycles

The powers of any authority under the Road Traffic Regulation Act 1967 to provide parking places shall extend to providing, in roads and elsewhere, stands and racks for bicycles.