

SCHEDULES

SCHEDULE 2

Section 4.

RE-ENACTMENT OR AMENDMENT OF CERTAIN ENACTMENTS NOT BROUGHT INTO FORCE

PART I

TESTING, MARKING AND APPROVAL OF VEHICLES

- 1 In section 2(3B) of the Road Traffic (Foreign Vehicles) Act 1972 (as amended by paragraph 9 of Schedule 3 to this Act), for “section 72(9) of the Road Traffic Act 1988” there is substituted “section 72(6)(c) and (7) of the Road Traffic Act 1988”.
- 2 Part II of the Transport Act 1982 is amended as shown in paragraphs 3 to 14 below.
- 3 (1) In section 9, for the cross-heading “Functions under the 1972 Act” there is substituted “Functions under the 1988 Act” and in the paragraphs under that cross-heading—
for “section 40” there is substituted “section 41”,
for “section 43” there is substituted “section 45”,
for “section 44(10A)” there is substituted “section 48(4)”,
for “section 45” there is substituted “section 49”,
for “section 46(5)(b)” there is substituted “section 53(5)(b)”,
for “section 50” (in both places) there is substituted “section 61”,
for “section 56(2)(a)” there is substituted “section 68(3)(b)” and for “subsection (4) of that section” there is substituted “subsection (5) of that section”,
for “sections 57 and 58” there is substituted “sections 69, 70 and 72”,
for “section 57(7)” there is substituted “section 70(2)”.
- (2) In section 9, in the paragraph under the cross-heading “Functions under the Road Traffic (Foreign Vehicles) Act 1972”, for “the 1972 Act” there is substituted “the 1988 Act”.
- 4 (1) In section 10(2)—
(a) for “section 43 of the 1972 Act” there is substituted “sections 45 and 46 of the 1988 Act”,
(b) for “section 45” there is substituted “section 49”,
(c) for paragraph (a) there is substituted—
“(a) in section 45(3) (persons who may carry out examinations under that section), after paragraph (a) there is inserted—
“(aa) any authorised inspector”,”
(d) in paragraph (b), for “subsection (6)(g)” there is substituted “section 46(g)”,
and
(e) in paragraph (c), for “subsection (6)(h)” there is substituted “section 46(h)”.
- (2) In section 10(3)—

Status: This is the original version (as it was originally enacted).

- (a) for “section 45(6)(b) of the 1972 Act” there is substituted “section 51(1)(b) of the 1988 Act”,
 - (b) for “section 50(1)(a) of that Act” there is substituted “section 61(2)(a) of that Act”,
 - (c) for “section 57 of that Act” there is substituted “sections 69 and 73 of that Act” and the words “except in subsections (7) and (7A)” are omitted, and
 - (d) for “section 57 of the 1972 Act” there is substituted “section 69 of the 1988 Act”.
- (3) In section 10(6), for “section 56(2) of the 1972 Act” there is substituted “section 68(3) of the 1987 Act”.
- (4) In section 10(7)—
- (a) for “section 45(6)(a)(ii) and (d) of the 1972 Act” there is substituted “section 51(1)(a)(ii) and (d) of the 1988 Act”,
 - (b) for “section 46(3)” there is substituted “section 53(3)” and for “section 45” there is substituted “section 49”,
 - (c) for “section 51(3)” there is substituted “section 63(3)” and for “section 48” there is substituted “section 59”,
 - (d) for “subsections (2), (3) and (4) of section 48” there is substituted “section 59(1), (2) and (3)”.
- (5) In section 10(11), for paragraph (a) there is substituted—
- “(a) section 45, section 49 or section 61 of the 1988 Act; or”.
- (6) In section 10(12), for “section 43 or 45 of the 1972 Act” there is substituted “sections 45 or 49 of the 1988 Act”.
- 5 In section 13(9), for “section 45(9) of the 1972 Act” there is substituted “section 52(2) of the 1988 Act”.
- 6 (1) In section 17(1)—
- (a) for “section 47 of the 1972 Act” there is substituted “sections 55 and 57 of the 1988 Act”,
 - (b) for “subsections (6), (7)(b) and (10)(a)” there is substituted “sections 57(2) and (3)(b) and 55(6)(a)” and
 - (c) for “subsection (6)” there is substituted “section 57(2)”.
- (2) In section 17(2)—
- (a) for “section 49 of the 1972 Act” there is substituted “section 60 of the 1988 Act”,
 - (b) in the first line of the inserted section, for “49” there is substituted “60”,
 - (c) in subsection (1) of the inserted section, for “section 47 or 48” there is substituted “sections 54 to 59”,
 - (d) at the end of subsection (2) of the inserted section there is inserted—
- “This subsection does not apply in relation to vehicle parts.”
- (3) Section 17(3) is omitted.
- (4) In section 17(4)—
- (a) for “section 50” there is substituted “section 61”,
 - (b) for “sections 47 to 49A” (in both places) there is substituted “sections 54 to 60”,

Status: This is the original version (as it was originally enacted).

- (c) for “section 47(8)” there is substituted “section 58(2)”, and
 - (d) the words from “and in subsection (4)(a) of that section” to the end are omitted.
- 7 In section 18, for “section 51 of the 1972 Act” there is substituted “section 63 of the 1988 Act” and, in the inserted section—
- (a) in the first line, for “51A” there is substituted “ 63A”,
 - (b) for “section 45 or 50” there is substituted “section 49 or 61”,
 - (c) for “section 45(6)” there is substituted “section 51(1)” and for “subsection (3) of that section” there is substituted “section 50(1)”, and
 - (d) for “section 47” there is substituted “section 57 or 58”.
- 8 In section 19—
- (a) in subsection (1), for “section 57(3) of the 1972 Act” there is substituted “section 69(3) of the 1988 Act”,
 - (b) in subsection (2), for “section 57(4A)” there is substituted “section 69(5)”, for “subsection (6)” there is substituted “subsection (7)” and for “subsection (4A)” there is substituted “subsection (5)”, and
 - (c) in subsection (3), for “section 57(9)” there is substituted “section 71(1)”, for “(9A)” (in both places) there is substituted “(1A)” and for “(9)(aa)” there is substituted “(1)(aa)”.
- 9 In section 20, for “section 58 of the 1972 Act” there is substituted “section 72 of the 1988 Act” and, in the substituted section—
- (a) in the first line, for “58” there is substituted “ 72”,
 - (b) in subsection (1), for “57(4A)” there is substituted “ 69(5)” and for “that section” there is substituted “section 69 or 70 of this Act”,
 - (c) in subsection (7), for “section 45(6)” there is substituted “section 51(1)”.
- 10 In section 21—
- (a) in subsection (1), for “section 43(4) of the 1972 Act” there is substituted “section 45(4) of the 1988 Act” and for “that subsection” there is substituted “section 45(5) of that Act”,
 - (b) in subsection (2), for “section 45 of the 1972 Act” there is substituted “section 49 of the 1988 Act”, for “subsection (3) of that section” there is substituted “section 50 of that Act”, after the words ““may appeal”” there is inserted “(in subsection (1)) down to the end of subsection (2)” and for “subsection (4) of that section” there is substituted “section 50(3) and (4)”.
- 11 In section 22—
- (a) in subsection (1), for “section 45(6) of the 1972 Act” there is substituted “section 51(1) of the 1988 Act”, and
 - (b) in subsection (2), for “section 50(1)” there is substituted “section 61(2)”, for “section 48” there is substituted “section 59” and for “section 45(6)” (in both places) there is substituted “section 51(1)”.
- 12 In section 23(3), for “section 169 of the 1972 Act” there is substituted “section 173 of the 1988 Act” and for “section 57” there is substituted “section 69 or 70”.
- 13 In section 24—
- (a) in subsection (1), for “section 171 of the 1972 Act” there is substituted “section 175 of the 1988 Act” and in the inserted section—
 - (i) in the first line, for “171” there is substituted “ 175”,

Status: This is the original version (as it was originally enacted).

- (ii) in subsection (1), for “section 170(6)” there is substituted “section 174(5)”, for “section 44(10A) or 46(5)(b)” there is substituted “section 48(4) or 53(5)(b)” and for “section 57” there is substituted “section 69 or 70”,
 - (b) in subsection (2)—
 - (i) for “section 173(2)” there is substituted “section 176”,
 - (ii) in paragraph (a), at the beginning there is inserted “in subsection (4)” and for “section 56” there is substituted “section 68”, and
 - (iii) in paragraph (b), at the beginning there is inserted “in subsection (5)” and for “section 57” there is substituted “section 69 or 70”, and
 - (c) in subsection (3)—
 - (i) for “Part I of Schedule 4 to the 1972 Act” there is substituted “Part I of Schedule 2 to the Road Traffic Offenders Act 1988”,
 - (ii) in paragraph (a), for the first “171” there is substituted “175 of the 1988 Act” and for “171” (in the other two places) there is substituted “175”,
 - (iii) in paragraph (b), for “171(2)” there is substituted “175(2)” and the words in the last column are omitted, and
 - (iv) at the end of that subsection there is added—“and in Schedule 1 to the Road Traffic Offenders Act 1988, in the entry for section 175 of the Road Traffic Act 1988 there is added to the words in column 2 “falsely amending certificate of conformity””.
- 14 In section 26—
- (a) after the definition of “the 1981 Act” there is inserted—
 - ““the 1988 Act” means the Road Traffic Act 1988”,
 - (b) for “section 196 of the 1972 Act” there is substituted “section 192 of the 1988 Act”, and
 - (c) for “section 56(1) of the 1972 Act” there is substituted “section 68(2) of the 1988 Act”.
- 15 In section 61(2) of the Road Traffic Act 1988—
- (a) at the end of paragraph (a) there is inserted “or designated under section 10(12) of the Transport Act 1982”, and
 - (b) in paragraph (c), for “to (4)” there is substituted “and (2)”.
- 16 In section 84(4) of the Road Traffic Act 1988, for “72(9)” there is substituted “72”.
- 17 In section 85 of the Road Traffic Act 1988—
- (a) at the end of the definition of “official testing station” there is added “or premises designated by him under section 10(12) of the Transport Act 1982”,
 - (b) following the definition of “prescribed” there is inserted—
 - ““prescribed testing authority” means such approved testing authority as may be prescribed”, and
 - (c) at the end of that section there is added—
 - “(2) References in any provision of this Part of this Act to an authorised inspector are references to a person authorised by the Secretary

Status: This is the original version (as it was originally enacted).

- of State under section 8 of the Transport Act 1982 to exercise the function to which that provision relates.”
- 18 In section 183 of the Road Traffic Act 1988—
- (a) in subsection (2), for “ 63” there is substituted “ 63A”, and
 - (b) in subsection (3), at the end of paragraph (a) there is inserted “or of authorised inspectors under section 8 of the Transport Act 1982”, and paragraph (b) is omitted.
- 19 In section 192(1) of the Road Traffic Act 1988, before the definition of “bridleway” there is inserted—
- ““approved testing authority” means a person authorised by the Secretary of State under section 8 of the Transport Act 1982 to carry on a vehicle testing business within the meaning of Part II of that Act”.
- 20 In section 13(1) of the Road Traffic Offenders Act 1988—
- (a) after “vehicles” there is inserted “or of any records maintained with respect to vehicles by an approved testing authority in connection with the exercise by that authority of any functions conferred on such authorities, or on that authority as such an authority, by or under any enactment”, and
 - (b) at the end of that subsection there is inserted “or (as the case may be) the approved testing authority”.

PART II

STOPPING ON VERGES, ETC.

- 21 In section 19 of the Road Traffic Act 1988, after subsection (3) there is inserted—
- “(3A) The Secretary of State may by regulations provide that, in relation to vehicles of such classes as may be specified in the regulations, subsection (1) above shall not apply or shall apply subject to such conditions as may be so specified.
- (3B) In England and Wales, the council of a county, district or London borough or the Common Council of the City of London may institute proceedings for an offence under this section committed in relation to the verge of a road, land or a footway in their area”.
- 22 (1) After section 19 of the Road Traffic Act 1988 there is inserted—

“19A Prohibition of parking of vehicles on verges, central reservations and footways

- (1) Subject to the provisions of this section, a person who parks a vehicle, other than a heavy commercial vehicle (as defined in section 20 of this Act) wholly or partly—
- (a) on the verge of an urban road, or
 - (b) on any land which is situated between two carriageways of an urban road and which is not a footway, or
 - (c) on a footway comprised in an urban road,
- is guilty of an offence.

Status: This is the original version (as it was originally enacted).

- (2) 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—
- (a) that it was parked in accordance with permission given by a constable in uniform, or
 - (b) that it was parked in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency, or
 - (c) that it was parked in contravention of this section but the conditions specified in subsection (3) below were satisfied.
- (3) The conditions mentioned in subsection (2)(c) above are—
- (a) that the vehicle was parked on a verge or footway for the purpose of loading or unloading, and
 - (b) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footway or verge, and
 - (c) that the vehicle was not left unattended at any time while it was so parked.
- (4) The Secretary of State may by regulations provide that, in relation to vehicles of such classes as may be specified in the regulations, subsection (1) above shall not apply or shall apply subject to such conditions as may be so specified.
- (5) The authority having power, otherwise than by virtue of Part I of Schedule 9 to the Road Traffic Regulation Act 1984 (reserve powers of Secretary of State), to make an order under section 1 or section 6 of that Act (orders for regulating traffic) in relation to a road may by order specifying that road provide that the provisions of subsection (1) above shall not apply in relation to it or to any part of it specified in the order, either at all times or during periods so specified.
- (6) In England and Wales, the council of a county, district or London borough or the Common Council of the City of London may institute proceedings for an offence under this section committed in relation to the verge of a road, land or a footway in their area.
- (7) Section 125 of the Road Traffic Regulation Act 1984 (boundary roads) applies for the purposes of subsection (5) above as it applies for the purposes of sections 1 (1) and 6 (1) of that Act; and Parts I (reserve powers of Secretary of State), III (procedure as to certain orders), IV (variation or revocation of certain orders) and VI (validity of certain orders) of Schedule 9 to that Act shall apply in relation to orders under subsection (5) above as they apply in relation to orders under any provision of section 1 or 6 of that Act.
- (8) Section 122 of the Road Traffic Regulation Act 1984 (manner of exercise of functions by local authorities) applies to functions conferred by subsections (1) and (5) above as it applies to functions conferred by that Act.
- (9) In this section—
- “footway”, in relation to England and Wales, has the same meaning as in the Highways Act 1980, and
 - “urban road” means a road which—

Status: This is the original version (as it was originally enacted).

- (i) is a restricted road for the purposes of section 81 of the Road Traffic Regulation Act 1984 (30 m.p.h. speed limit), or
- (ii) is subject to an order under section 84 of that Act imposing a speed limit not exceeding 40 m.p.h., or
- (iii) is subject to a speed limit not exceeding 40 m.p.h. which is imposed by or under any local Act.”

(2) In section 172(2)(a) of the Road Traffic Act 1988, after the words “chief officer of police” there is inserted “or in the case of an offence under section 19 or 19A of this Act, the council of a county, district or London borough or the Common Council of the City of London”.

(3) In Schedule 1 to the Road Traffic Offenders Act 1988, after the entry for section 19 of the Road Traffic Act 1988 there is inserted—

“RTA section 19A	Prohibition of parking of vehicles other than heavy commercial vehicles on verges, etc.	Sections 11 and 12 of this Act.”
------------------	---	----------------------------------

(4) In Part I of Schedule 2 to the Road Traffic Offenders Act 1988, after the entry for section 19 of the Road Traffic Act 1988 there is inserted—

“RTA section 19A	Prohibition of parking of vehicles other than heavy commercial vehicles on verges, etc.	Summarily	Level 3 on the standard scale.	—	—	—”
------------------	---	-----------	--------------------------------	---	---	----

(5) In Schedule 3 to the Road Traffic Offenders Act 1988, after the entry for section 19 of the Road Traffic Act 1988 there is inserted—

“RTA section 19A	Parking a vehicle other than a heavy commercial vehicle on verge, etc.”
------------------	---

PART III

CONSTRUCTION AND USE OF VEHICLES

- 23 In section 47 of the Road Traffic Act 1988, at the end of subsection (4) there is added “or 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 of that Act) and after a mark is assigned to it under section 20 of that Act.”
- 24 In section 67(4) of the Road Traffic Act 1988, after “this section” (in the first place where it appears) there is inserted “ and section 67A of this Act”.
- 25 After section 67 of the Road Traffic Act 1988 there is inserted—

Status: This is the original version (as it was originally enacted).

“67A Remedying defects discovered on roadside test

- (1) Where on testing a motor vehicle under section 67 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 give a notice in writing to the person who is then the owner of the vehicle—
 - (a) specifying the defect and the requirement in question, and
 - (b) requiring him to give to the Secretary of State within the permitted period a certificate complying with subsection (4) below or a declaration complying with subsection (5) below.
- (2) The powers conferred by subsection (1) above may be exercised whether or not the requirement is one mentioned in section 67(1) above and whether or not proceedings are instituted for a breach of the requirement.
- (3) On testing a motor vehicle under section 67 of this Act 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.
- (4) A certificate under this section must contain—
 - (a) a statement signed by the person to whom the notice under this section was given that he has taken steps to secure—
 - (i) that repairs for the purpose of remedying the defects specified in the notice have been carried out at a vehicle testing station, or
 - (ii) 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 67 of this Act—
 - (i) 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
 - (ii) that in his opinion the vehicle complies with the construction and use requirement specified in the notice.
- (5) A declaration under this section—
 - (a) must be signed by the person to whom the notice under this section was given, and
 - (b) must 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 any further on a road in Great Britain.
- (6) 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 is guilty of an offence.
- (7) A person who fails to comply with a requirement imposed on him by an authorised examiner under subsection (3) above is guilty of an offence.

- (8) 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 (4)(a) above have been carried out and with respect to the making of statements under subsection (4)(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 (4)(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.
- (9) 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.

67B Tests to check whether defects have been remedied

- (1) Where a certificate has been given under section 67A 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.
- (2) For that purpose the Secretary of State 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.

In this subsection “local government area” means, as respects England and Wales, a county district or Greater London and, as respects Scotland, a region or islands area.

Status: This is the original version (as it was originally enacted).

- (3) 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 section 67A of this Act has been remedied.
- (4) Section 67A of this Act shall apply in relation to a test under this section as it applies in relation to a test under section 67 of this Act but as if references to an authorised examiner were references to an officer of the Secretary of State.
- (5) Paragraphs 3 and 4 of Schedule 2 to this Act shall apply in relation to a test under this section as they apply in relation to a deferred test, but subject to the following modifications—
- (a) references to the preceding provisions of that Schedule shall be read as references to subsection (1) above,
 - (b) in those paragraphs “owner” shall have the meaning given by section 192 of this Act and not the meaning given by paragraph 5 of that Schedule, and
 - (c) the reference in paragraph 3 to premises shall be read as a reference to a place.
- (6) 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 Schedule 2 as applied by this section, he is guilty of an offence.
- (7) Any station or apparatus provided and maintained under section 45(6) of this Act by the Secretary of State or a council designated for the purpose of that section may be used by the Secretary of State or that council, as the case may be—
- (a) for the carrying out of examinations for the purpose of ascertaining whether any such repairs as are mentioned in section 67A(4)(a) of this Act have been carried out, and
 - (b) for the carrying out of tests and inspections under this section.”
- 26 In section 172 of that Act, in subsection (1)(a)(ii) after “ 67(9)” there is inserted “ 67B(6)”.
- 27 In section 174 of that Act, after subsection (3) there is inserted—
- “(3A) A person who knowingly makes a false statement in a certificate or declaration under section 67A of this Act (including that section as applied by section 67B(4) of this Act) is guilty of an offence.”
- 28 In section 91 of the Road Traffic Offenders Act 1988, in paragraph (a) after “ 45” there is inserted “ 67A (including that section as applied by section 67B)”.
- 29 In section 95 of that Act, after “ 67” there is inserted “ 67A(6) and (7) (including the last two subsections as applied by section 67B(4)), 67B”.
- 30 In Part I of Schedule 2 to that Act, after the entry for section 67 of the Road Traffic Act 1988 there is inserted—

“RTA	Failure of	Summarily. Level 3	—	—	—
section 67A	owner of	on the			
(including	apparently				

Status: This is the original version (as it was originally enacted).

application defective by vehicle section 67B(4) give required certificate or declaration, or failure of person in charge of vehicle being tested to give information.	standard scale.			
RTA section 67B	Obstructing further testing of vehicle by Secretary of State's officer or failing to comply with requirements of RTA section 67B or paragraph 3 or 4 of Schedule 2.	Summarily. Level 3 on the standard scale.	—	— —”

PART IV

MISCELLANEOUS

- 31 In section 17(2) of the Road Traffic Act 1988, for the words from “neither” to “authorisation” there is substituted “not of a type prescribed under this section”.
- 32 In section 46 of that Act—
- (a) after paragraph (a) there is inserted—
 - “(aa) the imposition of restrictions with respect to the vehicles to be examined by inspectors appointed by any designated council”, and
 - (b) in paragraph (c), after “application” (in the second place where it appears) there is inserted “examination”.
- 33 In section 51(1)(h) of that Act, after “application” there is inserted “examination”.