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*Changes to legislation:* There are currently no known outstanding effects for the Road Traffic (Consequential Provisions) Act 1988, SCHEDULE 4. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 4

Section 5.

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *General rules for old savings and transitional provisions*

- 1 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
- (2) The repeal by this Act of a saving made on the previous repeal of an enactment does not affect the operation of the saving in so far as it is not specifically reproduced in the Road Traffic Acts but remains capable of having effect.
- (3) Where the purpose of a repealed enactment was to secure that the substitution of the provisions of the Act containing that enactment for provisions repealed by that Act did not affect the continuity of the law, the repealed enactment, so far as it is not specifically reproduced in the Road Traffic Acts, shall continue to have effect, so far as it is capable of doing so, for the purposes of the Road Traffic Acts.

##### *Old offences*

- 2 The Road Traffic Acts (including this Act so far as not included in that expression) do not affect the operation of the repealed enactments in relation to offences committed before the commencement of those Acts or to appeals against or suspension of disqualification by virtue of convictions for offences so committed or against orders made in consequence of such convictions.

##### *Road Traffic Act 1974 (c. 3.)*

- 3 (1) Any provision contained in an enactment passed or instrument made before 31 July 1974 which was not repealed by the Road Traffic Act 1974 and in which any expression was given the same meaning as in, or was otherwise to be construed by reference to, any provision of sections 68 to 82 of the <sup>M1</sup>Road Traffic Act 1972 which was repealed by that Act shall continue to be construed as if that provision had not been so repealed.
- (2) The Secretary of State may by regulations made by statutory instrument make such amendments as he considers appropriate to take account of section 9 of the Road Traffic Act 1974—
- (a) in any enactment passed or instrument made before 31 July 1974 which refers (whether directly or by virtue of the <sup>M2</sup>Interpretation Act 1978 or otherwise) to any provision of sections 68 to 82 of the Road Traffic Act 1972 which was repealed by the Road Traffic Act 1974,
- (b) in the reference in paragraph 4 of Schedule 4 to the Road Traffic Act 1988 to section 83 of that Act, and

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(c) in the definition of “hours of darkness” in paragraph 2(2)(a) of Schedule 12 to the <sup>M3</sup>Road Traffic Regulation Act 1984.

(3) A statutory instrument containing regulations under sub-paragraph (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Annotations:**

**Marginal Citations**

- M1** 1972 c. 20.  
**M2** 1978 c. 30.  
**M3** 1984 c. 27.

*Road Traffic (Drivers’ Ages and Hours of Work) Act 1976 (c. 3.)*

4 (1) Subject to sub-paragraph (2) below, a person who, immediately before 1st January 1976, fulfilled any of the conditions in paragraph 2(1) of Schedule 2 to the Road Traffic (Drivers’ Ages and Hours of Work) Act 1976 shall not, by reason only of the provisions of section 101 of the <sup>M4</sup>Road Traffic Act 1988, be disqualified for holding or obtaining a licence authorising him to drive motor vehicles falling within the class described in paragraph 5 or 6 of the Table set out in section 101(1) of that Act.

(2) A person shall not be treated, by virtue of sub-paragraph (1) above, as entitled to the grant of a licence authorising him to drive a goods vehicle the permissible maximum weight of which exceeds 10 tonnes or a motor vehicle constructed solely for the carriage of passengers and their effects which is adapted to carry more than fifteen passengers inclusive of the driver.

**Annotations:**

**Marginal Citations**

- M4** 1988 c. 52.

*Road Traffic Regulation Act 1984 (c. 27.)*

5 (1) Notwithstanding the repeal by this Act of the provisions of section 98 of and Schedule 7 to the <sup>M5</sup>Road Traffic Regulation Act 1984 (prosecution of offences), those provisions shall, in relation to the interim period (within the meaning of Schedule 12 to that Act), continue to have effect in relation to offences under Schedule 12 to that Act.

(2) To the extent that section 135 of that Act (application to Isles of Scilly) applied to the repealed enactments, it shall continue to apply to the corresponding provisions of the Road Traffic Acts.

**Annotations:**

**Marginal Citations**

- M5** 1984 c. 27.

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### *Payments for traffic casualties*

- 6 Where an accident giving rise to death or bodily injury in respect of which a payment is made under section 157 of the <sup>M6</sup>Road Traffic Act 1988, or claimed under section 158 of that Act, occurred before 1st April 1987, the amount payable shall not exceed the amount that would have been payable under the corresponding repealed enactment.

#### **Annotations:**

#### **Marginal Citations**

**M6** 1988 c. 52.

### *Licences, disqualification and endorsement*

- 7 (1) For the purposes of section 92(4)(a) of the Road Traffic Act 1988, 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 <sup>M7</sup>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.
- (2) The references in sections 125(3)(d), 127(3)(d), 128(2)(b) and 130(2)(b) of the <sup>M8</sup>Road Traffic Act 1988 to section 34 or 36 of the Road Traffic Offenders Act 1988 and to Part III of the Road Traffic Act 1988 include a reference—
- (a) to section 93 of the <sup>M9</sup>Road Traffic Act 1972 and to Part III of that Act, and
  - (b) to section 5 of the <sup>M10</sup>Road Traffic Act 1962 and Part II of the <sup>M11</sup>Road Traffic Act 1960, (but not to section 104 of the 1960 Act).
- (3) For the purposes of section 29 of the Road Traffic Offenders Act 1988, an order for endorsement which was made before the commencement of section 19 of the <sup>M12</sup>Transport Act 1981 counts as an order made in pursuance of section 44 of the Road Traffic Offenders Act 1988 for the endorsement of three penalty points, unless a disqualification was imposed on the offender on that or any subsequent occasion.
- (4) For the purposes of section 2 of this Act as it has effect for the purposes of section 34(3) of the Road Traffic Offenders Act 1988—
- (a) a previous conviction of an offence under section 6(1) of the Road Traffic Act 1972, as it had effect immediately before the substitution of a new section 6(1) by the Transport Act 1981, shall be treated as a conviction of an offence under section 5(1)(a) of the Road Traffic Act 1988, and
  - (b) a previous conviction of an offence under section 9(3) of the 1972 Act, as it had effect immediately before the substitution of a new section 8(7) by the 1981 Act, shall be treated as a conviction of an offence under section 7(6) of the Road Traffic Act 1988.
- (5) The references in sections 36(4), 37(3) and 42(6) of the <sup>M13</sup>Road Traffic Offenders Act 1988 to an order under subsection (1) of section 36 include a reference to an order under section 93(7) of the <sup>M14</sup>Road Traffic Act 1972, section 5(7) of the <sup>M15</sup>Road Traffic Act 1962 or section 104(3) of the <sup>M16</sup>Road Traffic Act 1960.

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- (6) Where, in pursuance of section 93(5) of the Road Traffic Act 1972, a period of disqualification was imposed on an offender in addition to any other period or periods then, for the purpose of determining whether an application may be made under section 42 of the Road Traffic Offenders Act 1988 for the removal of either or any of the disqualifications the periods shall be treated as one continuous period of disqualification.

**Annotations:**

**Marginal Citations**

- M7** 1930 c. 43.
- M8** 1988 c. 53.
- M9** 1972 c. 20.
- M10** 1962 c. 59.
- M11** 1960 c. 16.
- M12** 1981 c. 56.
- M13** 1988 c.53.
- M14** 1972 c. 20.
- M15** 1962 c. 59.
- M16** 1960 c. 16.

*Hovercraft*

- 8 For the purposes of the <sup>M17</sup>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 the Road Traffic Acts, being an enactment derived from an enactment so passed, and any instrument made or having effect as if made under such an enactment, shall be treated as included among the enactments and instruments which can be so applied.

**Annotations:**

**Marginal Citations**

- M17** 1968 c. 59.

**Changes to legislation:**

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