



Road Traffic (Driver Licensing and Information Systems) Act 1989

1989 CHAPTER 22

PART II

DRIVER INFORMATION SYSTEMS

Preliminary

8 Definitions of driver information systems etc

- (1) The following provisions shall have effect for the interpretation of this Part of this Act.
- (2) Subject to subsection (7) below, “driver information” is information (including guidance and warnings) of use to the drivers of motor vehicles relating to routes for or the position of their vehicles or traffic conditions and “route guidance” is to be construed accordingly.
- (3) A “driver information system” is—
 - (a) a system for the collection, storage and processing of data from which driver information is derived, or
 - (b) a system for the transmission of data from which driver information is derived, by means of apparatus situated otherwise than in motor vehicles to motor vehicles equipped to receive the transmissions, or
 - (c) a system for both of the above;but data is not “collected” unless it is collected from motor vehicles whether or not also from other sources.
- (4) A person “operates” a driver information system if (otherwise than as an employee)—
 - (a) he collects, stores and processes data from which driver information is derived, or
 - (b) he transmits such data to motor vehicles;

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and he operates a driver information system “in relation to” public roads if he collects data from or, as the case may be, transmits data to, motor vehicles on public roads; and related expressions shall be construed accordingly.

- (5) “Data” means information recorded in a form in which it can be processed by equipment operating automatically in response to instructions given for that purpose.
- (6) The “system apparatus”, in relation to a driver information system, is the apparatus by means of which the system is operated.
- (7) The Secretary of State may by order prescribe descriptions of information which is not to be driver information for the purposes of any provision of this Part of this Act.
- (8) In this Part of this Act—
 - (a) “highway authority” is used with reference to England and Wales and has the same meaning as in the Highways Act 1980;
 - (b) “roads authority” is used with reference to Scotland and has the same meaning as in the Roads (Scotland) Act 1984; and
 - (c) “public road” means, with reference to England and Wales, a highway maintainable at the public expense within the meaning of the Highways Act 1980, and, with reference to Scotland, a public road within the meaning of the Roads (Scotland) Act 1984.

Licensing for driver information systems

9 Requirement for licence to operate driver information system

- (1) Except as provided under subsection (2) below, no person shall operate a driver information system in relation to public roads in England or Wales or Scotland unless he is authorised to do so by a licence granted to him by the Secretary of State.
- (2) The Secretary of State may, by order, direct that this Part of this Act shall not apply to any description of driver information system specified in the order; and the description of a system may be framed by reference to any of its characteristics, its effects or any other circumstances.
- (3) Subsection (1) above is without prejudice to section 1(1) of the Wireless Telegraphy Act 1949 and section 5(1) of the Telecommunications Act 1984 (under which it is an offence to use any station or apparatus for wireless telegraphy or to run a telecommunications system without a licence under that Act).
- (4) Any person who operates a driver information system in contravention of this section commits an offence.
- (5) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to a fine.

10 Operators' licences

- (1) The Secretary of State may grant a licence to operate a driver information system in any area in England or Wales or Scotland (such a licence being referred to in this Part of this Act as an “operator’s licence”).

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- (2) More than one operator's licence may be granted for the same area but an operator's licence is not assignable.
- (3) An operator's licence may authorise the operation of all or only one or more descriptions of driver information system and may authorise the transmission of data from which route guidance is derived to the drivers of motor vehicles of all or only one or more classes or its collection from motor vehicles of all or only one or more classes.
- (4) An operator's licence shall be in writing and shall specify, in accordance with subsection (3) above, the scope of the authority given and the area within which the licence holder may operate.
- (5) An operator's licence shall, unless revoked, suspended or surrendered, remain in force for the period specified in the licence.
- (6) An operator's licence shall be granted on such terms and subject to such conditions as the Secretary of State considers appropriate and he may—
 - (a) with the consent of the licence holder, attach new conditions or vary any of the terms or conditions; or
 - (b) without the consent of the licence holder, attach new conditions designed to prevent danger to the public or vary any such condition.
- (7) An operator's licence may include a term requiring the rendering to the Secretary of State of a payment on the grant of the licence or payments during the currency of the licence or both of such amount or amounts as may be determined by or under the licence.
- (8) The conditions subject to which an operator's licence is granted may include, in particular, conditions—
 - (a) specifying the classes or descriptions of public road or any particular public road in, upon, under, over, along or across which system apparatus may or may not be installed;
 - (b) specifying the classes or descriptions of public road or any particular public road which may or may not be included in route guidance to drivers or to the drivers of specified classes of motor vehicles or specifying the circumstances in which the roads or road may be included or excluded;
 - (c) specifying the classes of motor vehicles to whose drivers route guidance may or may not be given or the circumstances in which it may or may not be given to such drivers;
 - (d) regulating the size, shape or other characteristics of system apparatus;
 - (e) regulating the charges that may be made by the licence holder to drivers or other persons for receiving data transmitted by a driver information system;
 - (f) requiring the licence holder to furnish to the Secretary of State such information relating to motor vehicles or traffic conditions derived from data which is or has been stored in the driver information system by the licence holder as the Secretary of State requires and authorising the Secretary of State to make such use, including the sale, of the information as he thinks fit;
 - (g) requiring the licence holder to keep such records relating to the operation of the system as the Secretary of State specifies and to permit persons authorised by the Secretary of State to inspect the records and make copies or extracts from them;

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- (h) authorising the Secretary of State to disclose the roads permitted to be included in route guidance under the licence to persons appearing to him to be affected;
 - (i) requiring the licence holder to disclose the roads included in route guidance under the licence to persons requesting the information on payment (if required) of a charge not exceeding such amount as may be specified in the licence.
- (9) No information may be required to be furnished to the Secretary of State under subsection (8)(f) above in a way that would enable individual owners or drivers of motor vehicles to be identified.
- (10) The Secretary of State may make such payments as he may determine in respect of the furnishing of information by virtue of subsection (8)(f) above.
- (11) Any sums received by the Secretary of State in pursuance of subsection (7) above shall be paid into the Consolidated Fund.

11 Sanctions for operating outside licence area or for breach of licence conditions

- (1) The Secretary of State may, subject to subsection (2) below, at any time revoke or suspend an operator's licence on the ground that—
- (a) the licence holder's operations have extended beyond the area in which the licence authorised him to operate, or
 - (b) there has been a breach of any condition of the licence.
- (2) The Secretary of State shall not revoke or suspend a licence for breach of a condition unless he is satisfied that owing to—
- (a) the frequency of the breach of conditions,
 - (b) the intentional nature of the breach, or
 - (c) the danger to the public involved in the breach,
- the licence should be revoked or suspended.
- (3) Where the Secretary of State revokes a licence he may, if it appears to him to be expedient to do so, direct that the revocation is a provisional revocation which will not take effect until a future date; and where he gives such a direction he may either make final the revocation or withdraw it.
- (4) An operator's licence suspended under the foregoing provisions of this section shall during the time of suspension be of no effect.
- (5) Subject to subsection (6) below, if a condition attached to an operator's licence is broken, the holder of the licence commits an offence.
- (6) It shall be a defence for a person charged with an offence under subsection (5) above to prove that he took all reasonable precautions and exercised all due diligence to avoid a breach of that condition.
- (7) A person guilty of an offence under subsection (5) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Supplementary

12 Power to install apparatus etc

- (1) This section has effect—
 - (a) for the purposes of any operator’s licence to which it is applied by the licence, but
 - (b) subject to any exclusions or other modifications specified in the licence.
- (2) The holder of an operator’s licence shall have power to do all or any of the following things, that is to say—
 - (a) install system apparatus in, upon, under, over, along or across a public road;
 - (b) inspect, maintain, adjust, repair, alter, renew or remove any system apparatus so installed; and
 - (c) execute any works requisite for or incidental to the purposes of any works falling within paragraph (a) or (b) above, including for those purposes the following kinds of works, that is to say—
 - (i) breaking up or opening a public road;
 - (ii) tunnelling or boring under a public road; and
 - (iii) breaking up or opening a sewer, drain or tunnel;and accordingly the street works code contained in the Public Utilities Street Works Act 1950 has effect in relation to the licence holder’s power to do those things.
- (3) The powers conferred by subsection (2) above shall not be exercisable by fixing system apparatus to a traffic sign (within the meaning of section 64(1) of the Road Traffic Regulation Act 1984).
- (4) Subject to subsection (5) below, the powers conferred by subsection (2) above shall not be exercisable—
 - (a) by fixing system apparatus to a structure or attachment to a structure belonging to another person or authority, or
 - (b) by making use, for the purpose of installing system apparatus, of an existing cable, duct or installation of any description (whether under ground or not) belonging to another person or authority,without the written consent of that other person or authority; and a local authority shall have power to give its consent upon such terms (including such terms as to payment) as it thinks appropriate.
- (5) Where the consent in question under subsection (4) above would be that of any authority prescribed by order made by the Secretary of State, subsection (4) shall, as specified in the order—
 - (a) apply only in the circumstances specified in the order, or
 - (b) not apply except in such circumstances (if any) as may be specified in the order.
- (6) The powers conferred by subsection (2) above shall be so exercised as to comply with any regulations made by the Secretary of State relating to the situation or manner of installation of system apparatus of any description.
- (7) Subject to any terms or conditions of the licence, the licence holder, if so required by the highway authority or the roads authority—

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- (a) shall remove any system apparatus which at the expiry of the licence remains in any land (whether or not vested in the authority) comprised in or lying under a public road, and shall restore the land to its condition before the system apparatus was installed there; or
 - (b) shall reimburse the authority the expenses incurred in doing so.
- (8) In subsection (4) above, “local authority” in England and Wales has the meaning given by the Local Government Act 1972, and in Scotland has the meaning given by the Local Government (Scotland) Act 1973.
- (9) This section applies in relation to any land belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department, as it applies in relation to other land.

13 Application of other Acts and protective provisions in relation to licence holders

- (1) Schedule 4 to this Act shall have effect for the purpose of applying the enactments specified therein in relation to the holders of operators' licences and their system apparatus.
- (2) Schedule 5 to this Act (which regulates other undertakers' works affecting system apparatus) shall have effect.

14 Offences by officers of bodies corporate

- (1) Where a body corporate is guilty of an offence under any provision of this Part of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

15 Regulations and orders

- (1) Any power to make regulations or orders under this Part of this Act may be exercised so as to make different provision for different circumstances and different provision for England, for Wales or for Scotland.
- (2) Any power to make regulations or orders under this Part of this Act is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.