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## SCHEDULES

### SCHEDULE 4

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Road Traffic Act 1988 (c. 52)*

- 42 In section 7 of the Road Traffic Act 1988 (provision of specimens for analysis)—
- (a) in subsection (1) for the words “section 4” there shall be substituted the words “section 3A, 4”, and
  - (b) in subsection (3)(c) for the words “section 4” there shall be substituted the words “section 3A or 4”.
- 43 In section 10 of that Act (detention of persons affected by alcohol or a drug) in subsections (1) and (2) for the words “motor vehicle” in each place where they occur there shall be substituted the words “mechanically propelled vehicle”.
- 44 In section 11(1) of that Act (interpretation), for “4” there shall be substituted “3A”.
- 45 In section 12 of that Act (motor racing on public ways), in subsection (2) for the words “public highway” there shall be substituted the word “highway”.
- 46 In section 13 of that Act (regulation of motoring events on public ways), in subsection (4) for the words “public highway” there shall be substituted the word “highway”.
- 47 In section 14 of that Act (seat belts: adults) in subsection (2)(b)(i) for the word “addresses” there shall be substituted the word “addressees”.
- 48 In section 22 of that Act (leaving vehicles in dangerous positions) for the words “be likely to cause danger” there shall be substituted the words “involve a danger of injury”.
- 49 In section 31 of that Act (regulation of cycle racing on public ways) for subsection (6) there shall be substituted—
- “(6) In this section “public way” means, in England and Wales, a highway, and in Scotland, a public road but does not include a footpath.”
- 50 (1) Section 41 of that Act (regulation of construction, weight, equipment and use of vehicles) shall be amended as follows.
- (2) In subsection (2) at the end of paragraph (e) there shall be added the words “(by means of the fixing of plates or otherwise) and the circumstances in which they are to be marked,”.
  - (3) In subsection (2) after paragraph (j) there shall be inserted—  
“(j) speed limiters,”.
  - (4) After subsection (4) there shall be inserted—

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- “(4A) Regulations under this section with respect to speed limiters may include provision—
- (a) as to the checking and sealing of speed limiters by persons authorised in accordance with the regulations and the making of charges by them,
  - (b) imposing or providing for the imposition of conditions to be complied with by authorised persons,
  - (c) as to the withdrawal of authorisations.”
- 51 In section 44(1) of that Act (authorisation of use on roads of special vehicles not complying with regulations under section 41) for the words from “and nothing” to “prevent” there shall be substituted the words “and sections 40A to 42 of this Act shall not apply in relation to”.
- 52 (1) Section 45 of that Act (tests of satisfactory condition of vehicles) shall be amended as follows.
- (2) In subsection (1), for the words “prescribed statutory requirements” onwards there shall be substituted the words “following requirements are complied with, namely—
    - (a) the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment, and
    - (b) the requirement that the condition of motor vehicles should not be such that their use on a road would involve a danger of injury to any person.”
  - (3) In subsection (3), for paragraph (b) there shall be substituted—
 

“(b) examiners appointed under section 66A of this Act”.
- 53 In section 46(a) of that Act (regulations as to authorisation of examiners), after the words “of examiners” there shall be inserted the words “in accordance with subsection (3)(a) of that section”.
- 54 (1) Section 49 of that Act (tests of satisfactory condition of goods vehicles and determination of plated weights etc) shall be amended as follows.
- (2) In subsection (1), for the words following paragraph (b) there shall be substituted the words “or
    - (c) for the purpose of ascertaining whether the condition of the vehicle is such that its use on a road would involve a danger of injury to any person,

or for any of those purposes.”
  - (3) In subsection (2)(b), after the word “requirements” there shall be inserted the words “and the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person”.
  - (4) In subsection (4), in the definition of “goods vehicle test”, after the word “requirements” there shall be inserted the words “, or the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person,”.
- 55 (1) Section 50 of that Act (appeals against determinations) shall be amended as follows.

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- (2) In subsection (1) for the words “an area” onwards there shall be substituted the words “the Secretary of State”.
- (3) Subsections (2) and (3) shall be omitted.
- 56 (1) Section 73 of that Act (provisions supplementary to sections 69 to 72) shall be amended as follows.
- (2) For subsection (1) there shall be substituted—
- “(1) Where it appears to a person giving a notice under section 69(6) or 70(2) of this Act that the vehicle concerned is an authorised vehicle, he must as soon as practicable take steps to bring the contents of the notice to the attention of—
- (a) the traffic commissioner by whom the operator’s licence was granted for the vehicle, and
- (b) the holder of the licence if he is not in charge of the vehicle at the time when the notice is given.
- (1A) Where it appears to a person giving a notice under section 69(6) or 70(2) of this Act that the vehicle concerned is used under a PSV operator’s licence, he must as soon as practicable take steps to bring the contents of the notice to the attention of—
- (a) the traffic commissioner by whom the PSV operator’s licence was granted for the vehicle, and
- (b) the holder of the licence if he is not in charge of the vehicle at the time when the notice is given.
- (1B) In a case not within subsection (1) or subsection (1A) above, a person giving a notice under section 69(6) or 70(2) of this Act must as soon as practicable take steps to bring the contents of the notice to the attention of the owner of the vehicle if he is not in charge of it at the time when the notice is given.
- (1C) A person giving a notice to the owner of a vehicle under section 72(7) of this Act must as soon as practicable take steps to bring the contents of the notice to the attention of any other person—
- (a) who was the person to whom the previous notice under section 69(6) or 70(2) was given and was then the owner of the vehicle, or
- (b) to whose attention the contents of the previous notice were brought under this section.”
- (3) Subsection (2) shall be omitted.
- (4) In subsection (4) at the end there shall be added the words “; and ‘PSV operator’s licence’ has the same meaning as in the Public Passenger Vehicles Act 1981”.
- 57 In subsection (1)(a) of section 74 of that Act (operator’s duty to inspect goods vehicles) after the word “whether” there shall be inserted the words “the following requirements are complied with, namely—
- (i)”and  
for the  
words  
“are  
complied  
with”

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there  
 shall  
 be  
 substituted  
 the  
 words

“and

(ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person”.

58 (1) Section 76 of that Act (fitting and supply of defective or unsuitable vehicle parts) shall be amended as follows.

(2) In subsection (1), after the words “to the vehicle” there shall be inserted the words “involve a danger of injury to any person”.

(3) In subsection (2)(b)(ii), after the words “its use” there shall be inserted the words “on a road”, and at the end there shall be added the words “and would not involve a danger of injury to any person.”

(4) At the end of each of subsection (3), (5)(b)(ii) and (6)(a) there shall be added the words “or involve a danger of injury to any person”.

59 (1) Section 79 of that Act (provisions relating to weighing of motor vehicles) shall be amended as follows.

(2) In subsection (2)—

(a) for “68(1)” there shall be substituted “66A”;

(b) for the words from “vehicles of” to “vehicles generally” there shall be substituted the words “goods vehicles, public service vehicles, and vehicles which are not public service vehicles but are adapted to carry more than eight passengers,”.

(3) In subsection (3)—

(a) for the words from “vehicles of” to “vehicles generally” there shall be substituted the words “such vehicles”, and

(b) for the words “a certifying officer,” there shall be substituted the word “an”.

60 In section 84(2) of that Act (remuneration of examiners), for the words from “goods” to “73” there shall be substituted the words “examiners appointed under section 66A”.

61 In section 85 of that Act (interpretation of Part II)—

(a) in the definition of “official testing station” for “72(8)” there shall be substituted “72A”, and

(b) after the definition of “prescribed” there shall be inserted—

““public service vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981.”.

62 In section 86 of that Act (index to Part II), in the table, after the entry for “Prescribed” there shall be inserted—

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“Public service vehicle	Section 85”and after the entry for “Type approval requirements” there shall be inserted—
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“Vehicle examiner	Section 66A”.
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63 In section 89 of that Act (tests of competence to drive) at the end of subsection (3) (a) there shall be inserted the words “and section 36 of the Road Traffic Offenders Act 1988 (disqualification),”.

64 In section 115(3) of that Act (revocation or suspension of large goods vehicle or passenger-carrying vehicle driver’s licences) for the words “subsection (1)(a) above” there shall be substituted the words “this section or section 117 of this Act”.

65 (1) Section 117 of that Act (disqualification on revocation of large goods vehicle or passenger-carrying vehicle driver’s licences) shall be amended as follows.

(2) In subsection (1), for the words “for the purposes of that paragraph” there shall be substituted the words “in pursuance of section 115(3)”.

(3) After subsection (2) there shall be inserted—

“(2A) Regulations may make provision for the application of subsections (1) and (2) above, in such circumstances and with such modifications as may be prescribed, where a person’s large goods vehicle or passenger-carrying vehicle driver’s licence is treated as revoked by virtue of section 37(1) of the Road Traffic Offenders Act 1988 (effect of disqualification by order of a court).”

66 In section 152 of that Act (duties of insurers etc: exceptions) at the end of subsection (2) there shall be added the words “and, for the purposes of this section, “material” means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk and, if so, at what premium and on what conditions.

67 In section 163(1) of that Act (power of police to stop vehicles) for the words “motor vehicle” there shall be substituted the words “mechanically propelled vehicle”.

68 (1) Section 164 of that Act (power of constable to require production of driving licence etc) shall be amended as follows.

(2) In subsection (1), after the word “constable” wherever it occurs there shall be inserted the words “or vehicle examiner”.

(3) In subsection (2), for the words “Such a person” there shall be substituted the words “A person required by a constable under subsection (1) above to produce his licence”.

(4) In subsection (3), after the word “constable” there shall be inserted the words “or vehicle examiner”.

(5) In subsection (5) for the words “section 27 of the Road Traffic Offenders Act 1988” there shall be substituted the words “section 26 or 27 of the Road Traffic Offenders Act 1988 or section 44 of the Powers of Criminal Courts Act 1973 or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975.”

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- (6) In subsection (6) for the words “and (8)” there shall be substituted the words “to (8A)”.
- (7) After subsection (8) there shall be inserted—
- “(8A) Subsection (8) above shall apply in relation to a certificate of completion of a training course for motor cyclists as it applies in relation to a licence.”
- (8) At the end of subsection (11) there shall be added the words “and “vehicle examiner” means an examiner appointed under section 66A of this Act.”
- 69 (1) Section 165 of that Act (powers of constables to obtain names and addresses of drivers etc) shall be amended as follows.
- (2) In subsection (1), after the word “constable” wherever it occurs there shall be inserted the words “or vehicle examiner”.
- (3) In subsection (5), after the word “constable” wherever it occurs there shall be inserted the words “or vehicle examiner”.
- (4) At the end of subsection (7) there shall be added the words “and “vehicle examiner” means an examiner appointed under section 66A of this Act.”
- 70 In section 166 of that Act (powers of certain officers as respects goods vehicles etc) for the words from the beginning to the end of paragraph (d) there shall be substituted the words “A person authorised for the purpose by a traffic commissioner appointed under the Public Passenger Vehicles Act 1981.”
- 71 In section 168 of that Act (offence of failing to give name and address in relation to certain offences) in paragraph (a) for the words “motor vehicle” there shall be substituted the words “mechanically propelled vehicle”.
- 72 (1) Section 170 of that Act (duty of driver to stop, report accident and give information or documents) shall be amended as follows.
- (2) In subsections (1) to (3) for the words “motor vehicle” in each place where they occur there shall be substituted the words “mechanically propelled vehicle”.
- (3) In subsection (5) for the words “the vehicle” there shall be substituted the words “a motor vehicle”.
- (4) In subsection (7) for the word “five” there shall be substituted the word “seven”.
- 73 (1) Subsection (2) of section 173 of that Act (offences of forgery etc) shall be amended as follows.
- (2) After paragraph (c) there shall be inserted—
- “(cc) any seal required by regulations made under section 41 of this Act with respect to speed limiters,”.
- (3) In paragraph (d) for the words from the beginning to “Part II of this Act)” there shall be substituted the words “any plate containing particulars required to be marked on a vehicle by regulations under section 41 of this Act”.
- (4) After paragraph (d) there shall be inserted—
- “(dd) any document evidencing the appointment of an examiner under section 66A of this Act,”.
- (5) After paragraph (f) there shall be inserted—

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“(ff) any certificate provided for by regulations under section 97(3A) of this Act relating to the completion of a training course for motor cyclists.”.

(6) After paragraph (l) there shall be added—

“and

(m) a certificate of the kind referred to in section 34B(1) of the Road Traffic Offenders Act 1988.”

74 (1) Section 176 of that Act (power to seize documents etc) shall be amended as follows.

(2) In subsection (4), for the words from “a certifying” to “68(1)” there shall be substituted the words “an examiner appointed under section 66A”.

(3) In subsection (5)(a), for the words “for the purposes of sections 68 to 72” there shall be substituted the words “under section 66A”.

75 In section 177 of that Act (impersonation of, or of person employed by, authorised examiner) after the words “a person authorised” there shall be inserted the words “in accordance with regulations made under section 41 of this Act with respect to the checking and sealing of speed limiters or a person authorised”.

76 In section 181 of that Act (provisions as to accident inquiries) in subsections (1) and (2) for the words “motor vehicle” in each place where they occur there shall be substituted the words “mechanically propelled vehicle”.

77 In section 183(3) of that Act (Crown application), for the words from “68” to “1981” there shall be substituted the words “66A of this Act”.

78 (1) Section 192 of that Act (interpretation) shall be amended as follows.

(2) In subsection (1), in the definition of “road”—

(a) after the word ““road”” there shall be inserted “(a)”, and

(b) at the end there shall be inserted—

“and

(b) in relation to Scotland, means any road within the meaning of the Roads (Scotland) Act 1984 and any other way to which the public has access, and includes bridges over which a road passes.”.

(3) In subsection (1), in the definition of “trolley vehicle” for the words “and moved by” there shall be substituted the word “under”, and at the end there shall be added the words “(whether or not there is in addition a source of power on board the vehicle)”.

(4) In subsection (2) the word ““road”” shall be omitted.

79 In Schedule 4 to that Act (provisions not applicable to tramcars)—

(a) in paragraph 1, for “127” there shall be substituted “34”,

(b) in paragraph 2, for the words “Sections 2, 3, 4(1) and 181 of this Act do not apply” there shall be substituted the words “Section 181 of this Act does not apply”,

(c) in paragraph 3, for “41”, there shall be substituted “40A to”, and

(d) after paragraph 3 there shall be inserted—

“3A Sections 68 and 69 of this Act do not apply to tramcars.”