

## SCHEDULES

## SCHEDULE 1

Section 22.

## AMENDMENT OF SCHEDULE 1 TO THE ROAD TRAFFIC OFFENDERS ACT 1988

1 Schedule 1 to the Road Traffic Offenders Act 1988 (procedural requirements applicable in relation to certain offences) shall be amended as follows.

2 After paragraph 1 there shall be inserted—

“1A Section 1 also applies to—

- (a) an offence under section 16 of the Road Traffic Regulation Act 1984 consisting in the contravention of a restriction on the speed of vehicles imposed under section 14 of that Act,
- (b) an offence under subsection (4) of section 17 of that Act consisting in the contravention of a restriction on the speed of vehicles imposed under that section, and
- (c) an offence under section 88(7) or 89(1) of that Act (speeding offences).”

3 In paragraph 2, at the beginning of sub-paragraph (c) there shall be inserted the word “to”.

4 The Table in that Schedule shall be amended as follows.

5 In the entries relating to sections 1 and 2 of the Road Traffic Act 1988 (reckless driving offences) in column 2, for the word “reckless” there shall be substituted the word “dangerous”.

6 After the entry relating to section 3 of that Act there shall be inserted—

“RTA section 3A	Causing death by careless driving when under influence of drink or drugs.	Section 11 of this Act.”
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7 In the entry relating to section 4 of that Act (driving a motor vehicle when unfit through drink or drugs etc) in column 2, for the words “motor vehicle” there shall be substituted the words “mechanically propelled vehicle”.

8 In the entry relating to section 28 of that Act (reckless cycling) in column 2, for the word “reckless” there shall be substituted the word “dangerous”.

9 After the entry relating to section 36 of that Act there shall be inserted—

“RTA section 40A	Using vehicle in dangerous condition etc.	Sections 11 and 12(1) of this Act.
RTA section 41A	Breach of requirement as to brakes, steering-gear or tyres.	Sections 11 and 12(1) of this Act.

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	RTA section 41B	Breach of requirement as to weight: goods and passenger vehicles.	Sections 11 and 12(1) of this Act.”
10	In the entry relating to section 42 of that Act, for the words in column 2 there shall be substituted the words “Breach of other construction and use requirements”.		
11	In the entry relating to section 71 of that Act (driving goods vehicle in contravention of prohibition etc) in column 2, the word “goods” in each place where it occurs shall be omitted.		
12	In the entries relating to sections 87(1) and 87(2) of that Act (driving without a licence etc) in column 2, for the word “without” there shall be substituted the words “otherwise than in accordance with”.		
13	After the entry relating to section 87(2) of that Act there shall be inserted—		
	“RTA section 92(10)	Driving after making false declaration as to physical fitness.	Sections 6, 11 and 12(1) of this Act.”
14	In the entry relating to section 94 of that Act (failure to notify Secretary of State about disability etc) in column 1, for the words “Section 94” there shall be substituted the words “Section 94(3)”.		
15	After that entry there shall be inserted—		
	“RTA section 94(3A)	Driving after such a failure.	Sections 6, 11 and 12(1) of this Act.
	RTA section 94A	Driving after refusal of licence under section 92(3) or revocation under section 93.	Sections 6, 11 and 12(1) of this Act.”
16	In the entry relating to section 164(6) of that Act (failing to produce driving licence to constable etc) in column 2 for the words “to constable” there shall be substituted the word “etc”.		
17	In the entry relating to section 174(1) or (6) of that Act (false statements etc), in column 1, for “(6)” there shall be substituted “(5)”.		

## SCHEDULE 2

Section 26.

### AMENDMENT OF SCHEDULE 2 TO THE ROAD TRAFFIC OFFENDERS ACT 1988

- 1 Part I of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences) shall be amended as follows.
- 2 In the entry relating to section 16(1) of the Road Traffic Regulation Act 1984 (contravention of temporary prohibition or restriction) in columns 5 to 7 there shall be inserted—

	“Discretionary if committed in respect of a speed restriction.	Obligatory if committed in respect of a speed restriction.	3-6 or 3 (fixed penalty)”
3	In the entry relating to section 17(4) of that Act (use of special road contrary to scheme or regulations), in column 7, for “3” there shall be substituted “3-6 or 3 (fixed penalty) if committed in respect of a speed restriction, 3 in any other case.”		
4	In the entry relating to section 89(1) of that Act (exceeding speed limit) in column 7, for “3” there shall be substituted “3-6 or 3 (fixed penalty)”.		
5	In the entry relating to section 1 of the Road Traffic Act 1988 (causing death by reckless driving)—		
	(a) in column 2 for the word “reckless” there shall be substituted the word “dangerous”, and		
	(b) in column 7 for “4” there shall be substituted “3-11”.		
6	In the entry relating to section 2 of that Act (reckless driving)—		
	(a) in column 2, for the word “Reckless” there shall be substituted the word “Dangerous”;		
	(b) for the words in column 5 there shall be substituted the word “Obligatory”;		
	and		
	(c) for the words in column 7 there shall be substituted “3-11”.		
7	After the entry relating to section 3 of that Act there shall be inserted—		
	“RTA section 3A	Causing death by careless driving when under influence of drink or drugs.	On indictment. 5 years or a fine or both. Obligatory. Obligatory. 3-11”.
8	In the entry relating to section 4(1) of that Act (driving or attempting to drive when unfit through drink or drugs) in column 7 for “4” there shall be substituted “3-11”.		
9	In the entry relating to section 4(2) of that Act (being in charge of a motor vehicle when unfit to drive) in column 2, for the words “motor vehicle” there shall be substituted the words “mechanically propelled vehicle”.		
10	In the entry relating to section 5(1)(a) of that Act (driving or attempting to drive with excess alcohol in breath, blood or urine) in column 7 for “4” there shall be substituted “3-11”.		
11	In the entry relating to section 7 of that Act (failing to provide specimen for analysis or laboratory test) in column 7 for the words “4 in case” there shall be substituted the words “3-11 in case”.		
12	In the entry relating to section 12 of that Act (motor racing and speed trials on public ways) in column 7 for “4” there shall be substituted “3-11”.		
13	After the entry relating to section 22 of that Act there shall be inserted—		

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	“RTA section 22A	Causing danger to road-users.	(a) Summary (b) On indictment.	(a) 6 months or the statutory maximum or both. (b) 7 years or a fine or both.	—	—	—”
14							In the entry relating to section 23 of that Act (carrying passenger on motor-cycle contrary to that section), in column 7, for “1” there shall be substituted “3”.
15							In the entry relating to section 28 of that Act (dangerous cycling)— (a) in column 2 for the word “reckless” there shall be substituted the word “dangerous”; and (b) in column 4, for the words “Level 3” there shall be substituted the words “Level 4”.
16							In the entry relating to section 29 of that Act (careless and inconsiderate cycling), in column 4, for the words “Level 1” there shall be substituted the words “Level 3”.
17							For the entry relating to section 42 of that Act (contravention of construction and use regulations) there shall be substituted—
	“RTA section 40A	Using a vehicle in dangerous condition etc.	Summarily. (a) Level 3 (b) Level 4	(a) Discretionary. 5 on the standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers. (b) Level 4 on			Obligatory. 3

			the standard scale in any other case.			
RTA section 41A	Breach of Requirement as to brakes, steering-gear or tyres.	Summarily. (a)	Level 5 on the standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers.	Discretionary	Obligatory	3
RTA section 41B	Breach of Requirement as to weight: goods and passenger vehicles.	Summarily. Level 5	on the standard scale.	—	—	—
RTA section 42	Breach of other construction and use requirements.	Summarily. (a)	Level 4 on the standard scale if committed	—	—	—”

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in  
 respect  
 of a  
 goods  
 vehicle  
 or a  
 vehicle  
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 to  
 carry  
 more  
 than  
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 passengers.

(b) Level  
 3 on  
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 standard  
 scale  
 in  
 any  
 other  
 case.

18 In the entries relating to section 68 and 71 of that Act, in column 2, the word “goods” in each place where it occurs shall be omitted.

19 For the entry relating to section 87(1) of that Act (driving without a licence) there shall be substituted—

“RTA section 87(1)	Driving otherwise than in accordance with a licence.	Summarily. Level 3 on the standard scale.	Discretionary. Obligatory 3-6” in a case where the offender’s driving would not have been in accordance with any licence that could have been granted to him.
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20 In the entry relating to section 87(2) of that Act (causing or permitting to drive without a licence), in column 2 for the word “without” there shall be substituted the words “otherwise than in accordance with”.

21 After the entry relating to section 92(7C) of that Act there shall be inserted—

“RTA section 92(10)	Driving after	Summarily. Level 4 on the	Discretionary. Obligatory. 3-6”
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- making false declaration as to physical fitness.
- standard scale.
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- 22 In the entry relating to section 94 of that Act (failure to notify Secretary of State about disability etc) for the words “Section 94” there shall be substituted the words “Section 94(3)”.
- 23 After that entry there shall be inserted—
- |                     |  |   |                     |
|---------------------|--|---|---------------------|
| “RTA section 94(3A) | Driving after such a failure.  | Summarily. Level 3 on the standard scale.                     | Discretionary. 3-6  |
| RTA section 94A     | Driving after refusal of licence under section 92(3) or revocation under section 93. | Summarily. 6 months or level 5 on the standard scale or both. | Discretionary. 3-6” |
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- 24 In the entry relating to section 96 of that Act (driving with uncorrected defective eyesight or refusing to submit to test of eyesight) in column 7 for “2” there shall be substituted “3”.
- 25 In the entry relating to section 103(1)(b) of that Act (obtaining licence, or driving, while disqualified) for the words in column 7 there shall be substituted “6”.
- 26 In the entry relating to section 143 of that Act (using vehicle while uninsured or unsecured against third-party risks) in column 4 for the words “Level 4” there shall be substituted the words “Level 5”.
- 27 In the entry relating to section 164 of that Act (failing to produce driving licence to constable etc) in column 2 for the words “to constable” there shall be substituted the word “etc”.
- 28 In the entry relating to section 165 of that Act (failing to give constable certain information or to produce documents) the word “constable” shall be omitted.
- 29 In the entry relating to section 170(4) of that Act (failing to stop after accident or give particulars or report accident)—
- (a) for the words in column 4 there shall be substituted “Six months or level 5 on the standard scale or both”; and
  - (b) in column 7 for “8-10” there shall be substituted “5-10”.
- 30 In the entry relating to section 172 of that Act (failure of person keeping vehicle and others to give police information as to identity of driver etc in the case of certain offences) the following shall be inserted in columns 5 to 7—

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|--|---|---|----|
|  | “Discretionary, if committed otherwise than by virtue of subsection (5) or (11).” | Obligatory, if committed otherwise than by virtue of subsection (5) or (11).” | 3” |
|--|---|---|----|
- 31 In the entry relating to section 178 of that Act (taking etc in Scotland a motor vehicle without authority), the entries in columns 6 and 7 shall be omitted.
- 32 (1) Part II of Schedule 2 to the Road Traffic Offenders Act 1988 (disqualification and endorsement in relation to manslaughter, certain offences of theft etc) shall be amended as follows.
- (2) In the entry relating to manslaughter or culpable homicide, in column 4 for “4” there shall be substituted “3-11”.
- (3) The entries in columns 3 and 4 relating to stealing or attempting to steal a motor vehicle or to section 12 or 25 of the Theft Act 1968 shall be omitted.

### SCHEDULE 3

Section 43.

#### PERMITTED AND SPECIAL PARKING AREAS OUTSIDE LONDON

##### *Permitted parking areas*

- 1 (1) Where an application for an order under this sub-paragraph is made to the Secretary of State—
- (a) with respect to the whole, or any part, of their area, by a county council in England and Wales;
  - (b) with respect to the whole of their area, by a metropolitan district council;
  - (c) with respect to the whole of their areas, by two or more metropolitan district councils acting jointly;
  - (d) with respect to the whole, or any part, of their area, by a regional or islands council in Scotland;
  - (e) with respect to the whole, or any part, of their area, by a district council in Wales acting with the consent of the county council; or
  - (f) with respect to the whole, or any part, of the Isles of Scilly, by the Council of the Isles of Scilly,
- he may make an order designating the whole, or any part, of the area to which the application relates as a permitted parking area.
- (2) Before making any such application, a county council in Wales shall consult the district councils whose areas lie wholly or partly within the area to which the application relates.
- (3) Before making an order under sub-paragraph (1) above, the Secretary of State shall consult the appropriate chief officer of police.
- (4) While an order under sub-paragraph (1) above is in force, the following provisions shall cease to apply in relation to the permitted parking area designated by the order—
- (a) section 35A(1) of the Road Traffic Regulation Act 1984 (offences), so far as it relates to the contravention of, or non-compliance with, any provision of



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- an order made under section 35 of that Act (use of parking places) in relation to parking places provided under section 32(1)(b) of that Act (power of local authorities to provide free parking places on roads); and
- (b) section 47(1) of the Act of 1984 (offences) in so far as it applies in relation to any designated parking place.
- (5) The Secretary of State may by order amend sub-paragraph (4) above by adding further provisions (but only in so far as they apply in relation to stationary vehicles).
- (6) Before making an order under sub-paragraph (5) above, the Secretary of State shall consult—
- (a) such representatives of chief officers of police; and
- (b) such associations of local authorities (if any),
- as he considers appropriate.

#### *Special parking areas*

- 2 (1) Where an application for an order under this sub-paragraph is made to the Secretary of State—
- (a) with respect to the whole, or any part, of their area, by a county council in England and Wales;
- (b) with respect to the whole, or any part, of their area, by a metropolitan district council;
- (c) with respect to the whole, or any part, of their area, by a regional or islands council in Scotland; or
- (d) with respect to the whole, or any part, of the Isles of Scilly, by the Council of the Isles of Scilly,
- he may make an order designating the whole, or any part, of the area to which the application relates as a special parking area.
- (2) Before making any such application, a county council in Wales shall consult the district councils whose areas lie wholly or partly within the area to which the application relates.
- (3) Before making an order under sub-paragraph (1) above, the Secretary of State shall consult the appropriate chief officer of police.
- (4) While an order under sub-paragraph (1) above is in force, the following provisions shall cease to apply in relation to the special parking area designated by the order—
- (a) section 5 of the Road Traffic Regulation Act 1984 (contravention of a traffic regulation order under section 1 of that Act to be an offence), so far as it relates to the contravention of any provision of such an order prohibiting or restricting the waiting, or the loading and unloading, of vehicles;
- (b) section 11 of the Act of 1984 (contravention of, or failure to comply with, experimental traffic order under section 9 of that Act), so far as it relates to the contravention of, or failure to comply with, any provision of such an order prohibiting or restricting the waiting, or the loading and unloading, of vehicles;
- (c) section 129(6) of the Roads (Scotland) Act 1984 (parking of a motor vehicle wholly or partly on a cycle track to be an offence);
- (d) section 19 of the Road Traffic Act 1988 (parking of heavy vehicles on verges, central reservations and footpaths etc. to be an offence);

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- (e) section 21 of the Act of 1988 (prohibition of driving or parking on cycle tracks), so far as it makes it an offence to park a motor vehicle wholly or partly on a cycle track.
- (5) The Secretary of State may by order amend sub-paragraph (4) above by adding further provisions (but only in so far as they apply in relation to stationary vehicles).
- (6) Before making an order under sub-paragraph (5) above, the Secretary of State shall consult—
  - (a) such representatives of chief officers of police; and
  - (b) such associations of local authorities (if any);
 as he considers appropriate.

*Control of parking in permitted and special parking areas*

- 3 (1) This paragraph applies in relation to any vehicle which is stationary in a permitted parking area, or special parking area, in circumstances in which an offence would have been committed with respect to the vehicle but for paragraph 1 or (as the case may be) paragraph 2 above.
- (2) A penalty charge shall be payable with respect to the vehicle, by the owner of the vehicle.
- (3) An order under paragraph 1 or 2 above designating a permitted parking area, or special parking area, may—
  - (a) provide for such provisions of Part II of this Act as the Secretary of State considers appropriate to apply, with such modifications (if any) as he considers appropriate, in relation to the permitted or special parking area in question; and
  - (b) make such modifications of any enactment, including any provision of this Act, as the Secretary of State considers appropriate in consequence of the provisions of paragraph 1 or 2 above, this paragraph or the order.

*Orders under this Schedule*

- 4 (1) Any power to make an order conferred by this Schedule shall be exercisable by statutory instrument.
- (2) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

SCHEDULE 4

Section 48.

MINOR AND CONSEQUENTIAL AMENDMENTS

*The Transport Act 1968 (c. 73)*

- 1 In section 82(8) of the Transport Act 1968 (powers of entry and inspection), for the words “section 68 of the Road Traffic Act 1988” there shall be substituted the words “section 66A of the Road Traffic Act 1988”.

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- 2 In section 99(8) of that Act (inspection of records), for the words from “a certifying” to “1988” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988”.

*The Chronically Sick and Disabled Persons Act 1970 (c. 44)*

- 3 In section 20(1) of the Chronically Sick and Disabled Persons Act 1970, in paragraph (b) (certain invalid carriages to be treated as not being motor vehicles for the purposes of the Road Traffic Act 1988 etc)—
- (a) after the words “Road Traffic Act 1988” there shall be inserted the words “, except section 22A of that Act (causing danger to road users by interfering with motor vehicles etc),”, and
  - (b) at the end of the paragraph there shall be added the words “and sections 1 to 4, 163, 170 and 181 of the Road Traffic Act 1988 shall not apply to it”.

*The Vehicles (Excise) Act 1971 (c. 10)*

- 4 In section 5 of the Vehicles (Excise) Act 1971 (exemptions from duty in connection with vehicle testing etc) in subsection (3)—
- (a) in the definition of “authorised person”, for the words from “person authorised” to “so authorised” there shall be substituted the words “person who is, or is acting on behalf of, an examiner or inspector entitled to carry out examinations for the purposes of that section”, and for the words “goods vehicle examiner” there shall be substituted the words “vehicle examiner”, and
  - (b) for the definition of “goods vehicle examiner” there shall be substituted—  
  
““vehicle examiner” means an examiner appointed under section 66A of the Road Traffic Act 1988.”

- 5 In Schedule 4A to that Act (duty on vehicles used for carrying exceptional loads)—
- (a) in paragraph 1, for the words “section 42 of the Road Traffic Act 1972” there shall be substituted the words “section 44 of the Road Traffic Act 1988”, and
  - (b) in paragraph 4, for the words “section 40” there shall be substituted the words “section 41”, and for the words “the Road Traffic Act 1972” in each place where they occur there shall be substituted the words “the Road Traffic Act 1988”.

*The Road Traffic (Foreign Vehicles) Act 1972 (c. 27)*

- 6 In section 1 of the Road Traffic (Foreign Vehicles) Act 1972 (power to prohibit driving of foreign goods vehicle) in subsection (6)(a) for sub-paragraphs (i) to (iii) there shall be substituted the words “section 40A of the Road Traffic Act 1988 (using vehicle in dangerous condition etc) or regulations under section 41 of that Act (construction, weight, equipment etc of motor vehicles and trailers),”.
- 7 In section 2(3B) of that Act (provisions supplementary to section 1) for “72(9)” there shall be substituted “72A”.
- 8 In section 7(1) of that Act (interpretation)—
- (a) in the definition of “examiner”, for the words following “means” there shall be substituted the words “an examiner appointed under section 66A of the

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Road Traffic Act 1988, or a constable authorised to act for the purposes of this Act by or on behalf of a chief officer of police”, and

- (b) in the definition of “official testing station” for “72(8)” there shall be substituted “72A”.

- 9 In Schedule 2 to that Act (provisions relating to vehicles and their drivers) after the entry relating to section 100 of the Transport Act 1968 there shall be inserted the following entry—

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“Section 40A of the Road Traffic Act 1988.	To create offence of using motor vehicle or trailer in dangerous condition etc.”
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*The International Road Haulage Permits Act 1975 (c. 46)*

- 10 In section 1(9) of the International Road Haulage Permits Act 1975 in the definition of “examiner” for the words “section 68(1)” there shall be substituted the words “section 66A”.

*The Highways Act 1980 (c. 66)*

- 11 In section 42 of the Highways Act 1980 (power of district councils to maintain certain highways) in subsection (2)(c)(ii) for the words “under section 84 of that Act imposing a special limit” there shall be substituted the words “made by virtue of section 84(1)(a) of that Act imposing a speed limit”.
- 12 In each of sections 90A(1) and 90B(1) of that Act (construction of road humps) at the beginning of paragraph (b) there shall be inserted the words “(whether or not the highway is subject to such a limit)”.
- 13 In section 90F(2) of that Act (interpretation) for the definition of “statutory” there shall be substituted—

““statutory speed limit” means a speed limit having effect by virtue of an enactment other than section 84(1)(b) or (c) of the Road Traffic Regulation Act 1984 (temporary and variable speed limits).”

*The Public Passenger Vehicles Act 1981 (c. 14)*

- 14 In section 6(1)(a) of the Public Passenger Vehicles Act 1981 (certificates of fitness etc), for the words “a certifying officer” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988”.
- 15 In section 10(2) of that Act (approval of type vehicle), for the words “the certifying officer” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988”.
- 16 (1) Section 51 of that Act (appeals to Secretary of State) shall be amended as follows.
- (2) In subsection (1) for the words “a certifying officer” there shall be substituted the words “an examiner”.
- (3) In subsection (4) for the words “the certifying officer” in each place where they occur there shall be substituted the words “the examiner”.

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*The Criminal Justice Act 1982 (c. 48)*

- 17 In Part II of Schedule 1 to the Criminal Justice Act 1982 (offences excluded from Secretary of State’s power to make orders concerning the early release of prisoners)
- 
- (a) in the entry relating to section 1 of the Road Traffic Act 1988, for the word “reckless” there shall be substituted the word “dangerous”, and
- (b) after that entry there shall be inserted—
- “Section 3A (causing death by careless driving when under the influence of drink or drugs).”

*The Transport Act 1982 (c. 49)*

- 18 (1) Section 9 of the Transport Act 1982 (private sector vehicle testing: the testing and surveillance functions) shall be amended as follows.
- (2) Under the cross-heading “Functions under the 1988 Act”—
- (a) for the paragraph beginning “The power of entry”, there shall be substituted—
- “The power of entry, inspection and detention of vehicles under section 68, but only in relation to vehicles brought to the place of inspection in pursuance of a direction given by a vehicle examiner or a constable under subsection (3) of that section.”,
- (b) in the following paragraph, after “69” there shall be inserted “69A,”, and for the word “goods vehicles” there shall be substituted the word “vehicles”.
- (3) Under the cross-heading “Functions under the 1981 Act”, the paragraph beginning “Any functions under section 9” shall be omitted.
- 19 (1) Section 10 of that Act (private sector vehicle testing: supplementary) shall be amended as follows.
- (2) For subsection (3) there shall be substituted—
- “(3) The words “or an authorised inspector” shall be inserted—
- (a) in sections 51(1)(b) and 61(2)(a) of the 1988 Act, after the words “a vehicle examiner”, and
- (b) in section 6(1)(a) and 10(2) of the 1981 Act, after the words “Act 1988”;
- and the words “or authorised inspector” shall be inserted after the word “examiner” wherever occurring in section 69 of the 1988 Act.”
- (3) In subsection (6) for “68(3)” there shall be substituted “68(1)”, and for “(4)” there shall be substituted “(3)”.
- (4) In subsection (9), in subsection (2A) to be inserted in section 20 of the Public Passenger Vehicles Act 1981, for the words “public service vehicle examiner” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988”.
- (5) In subsection (10) for the words from “certifying officer” to “goods vehicle examiner” there shall be substituted the words “vehicle examiner”.

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20 For section 20 of that Act (substitution of new section for section 72 of the 1988 Act) there shall be substituted—

**“20 Amendment of section 72 of 1988 Act**

In section 72 of the 1988 Act (removal of prohibitions) after the word “constable” in each place where it occurs in subsections (1), (5) and (7), there shall be inserted the words “or authorised inspector”.

For section 21(4) of that Act (amendments with respect to appeals) there shall be substituted—

“(4) In section 51 of that Act (appeals to the Secretary of State)—

- (a) in subsection (1), after the word “examiner” there shall be inserted the words “or an authorised inspector”;
- (b) after subsection (1) there shall be inserted the following subsections—

“(1A) A person aggrieved by the refusal of the prescribed testing authority to approve a vehicle as a type vehicle under section 10 of this Act or by the withdrawal by that authority under that section of such approval may appeal to the Secretary of State.

(1B) On any appeal under subsection (1A) above, the Secretary of State shall cause an examination of the vehicle concerned to be made by an officer of the Secretary of State appointed by him for the purpose and shall make such determination on the basis of the examination as he thinks fit.”; and

- (c) in subsection (4) after the word “examiner” in both places where it occurs there shall be inserted the words “prescribed testing authority or authorised inspector concerned”.

(1) Section 24 of that Act (falsification of documents) shall be amended as follows.

(2) In subsection (2) for paragraph (a) there shall be substituted—

- (a) in subsection (4) after the words “of this Act” there shall be inserted the words “or an authorised inspector appointed under section 8 of the Transport Act 1982”;

(3) In subsection (4), in section 66A(2) to be inserted in the Public Passenger Vehicles Act 1981, for the words “a certifying officer, a public service vehicle examiner” there shall be substituted the words “an examiner appointed under section 66A of the Road Traffic Act 1988”.

23 In section 26 of that Act (interpretation) for the definition of “goods vehicle examiner” there shall be substituted—

““vehicle examiner” means an examiner appointed under section 66A of the 1988 Act.”

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

24 In section 9 of the Road Traffic Regulation Act 1984 (experimental traffic orders) in subsection (1)(b), as substituted by the New Roads and Street Works Act 1991,

- for the words “83(2) or 84” there shall be substituted the words “or 83(2) or by virtue of section 84(1)(a)”.
- 25 In section 17(2) of that Act (traffic regulation on special roads) at the end there shall be added—
- “(d) include provisions having effect in such places, at such times, in such manner or in such circumstances as may for the time being be indicated by traffic signs in accordance with the regulations.”
- 26 In section 44 of that Act (control of off-street parking outside Greater London) in subsection (5) for the words “under section 84” there shall be substituted the words “made by virtue of section 84(1)(a)”.
- 27 In section 49 of that Act (supplementary provisions as to designation orders and designated parking places), after subsection (4) there shall be inserted the following subsection—
- “(4A) A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may suspend the use of a parking place designated under section 45 of this Act for not more than 7 days in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.”
- 28 In section 51 of that Act (parking devices), in subsection (5) the words “being not less than 2 years” shall be omitted.
- 29 In section 65 of that Act (powers and duties of highway authorities as to placing of traffic signs) after subsection (1) there shall be inserted—
- “(1A) The power to give general directions under subsection (1) above includes power to require equipment used in connection with traffic signs to be of a type approved in accordance with the directions.”
- 30 In section 85 of that Act (traffic signs for indicating speed restrictions) in subsections (1) and (2)(a) the words “the prescribed” shall be omitted.
- 31 (1) Section 96 of that Act (additional powers of traffic wardens) shall be amended as follows.
- (2) In subsection (2) at the end of paragraph (b) there shall be inserted—
- “(bb) in this Act—
- (i) section 100(3) (which relates to the interim disposal of vehicles removed under section 99); and
- (ii) sections 104 and 105 (which relate to the immobilisation of illegally parked vehicles);”.
- (3) At the end of that section there shall be added—
- “(4) Where an order has been made pursuant to subsection (2)(bb)(i) above, in section 100(3) of this Act the words “chief officer of the police force to which the constable belongs” shall be deemed to include a reference to a chief officer of police under whose direction a traffic warden acts.
- (5) Any order made under section 95(5) of this Act may make different provision for different cases or classes of case, or in respect of different areas.”
- 32 At the end of section 99 of that Act (removal of vehicles illegally parked) there shall be inserted—

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- 33 “(6) For the purposes of this section, the suspension under section 13A or 49 of this Act of the use of a parking place is a restriction imposed under this Act.”
- In section 103 of that Act (supplementary provision as to removal of vehicles), for subsection (3) there shall be substituted—
- “(3) Regulations made under sections 99 to 102 of this Act may make different provision for different cases or classes of case or in respect of different areas.”
- 34 (1) Section 104 of that Act (immobilisation of vehicles illegally parked) shall be amended as follows.
- (2) In subsection (3) for the word “constable” there shall be substituted the words “person authorised to give such a direction by the chief officer of police within whose area the vehicle in question was found”.
- (3) In subsection (12) there shall be added at the end “or classes of case or in respect of different areas”.
- 35 At the end of section 104 of that Act (immobilisation of vehicles illegally parked) there shall be inserted—
- “(12A) For the purposes of this section, the suspension under section 13A or 49 of this Act of the use of a parking place is a restriction imposed under this Act.”
- 36 (1) Section 105 of that Act (exemptions from section 104) shall be amended as follows.
- (2) In subsection (6)(a), for the words from “either” to “use) of” there shall be substituted the words “in accordance with regulations under”.
- (3) In subsection (6)(b), for “117(2)(b)” there shall be substituted “117(1)(b)”.
- 37 In paragraph 13 of Schedule 9 to that Act (consent of Secretary of State before local authority make certain orders), after sub-paragraph (1)(d)(ii) there shall be inserted—
- “(iii) a provision imposing a prohibition by virtue of paragraph (b) or (c) of that subsection, or”.

*The Roads (Scotland) Act 1984 (c. 54)*

- 38 (1) In section 36 of the Roads (Scotland) Act 1984 (construction of road humps by roads authority) at the beginning of paragraph (b) there shall be inserted the words “(whether or not the road is subject to such a limit)”.
- (2) In section 40 of that Act (interpretation of sections 36 to 39) at the end of the definition of “statutory” there shall be added the words “other than section 84(1)(b) or (c) of the Road Traffic Regulation Act 1984 (temporary and variable speed limits)”.

*The Police and Criminal Evidence Act 1984 (c. 60)*

- 39 In Part II of Schedule 5 to the Police and Criminal Evidence Act 1984 (serious arrestable offences)—
- (a) in the entry relating to section 1 of the Road Traffic Act 1988, for the word “reckless” there shall be substituted the word “dangerous”, and
- (b) after that entry there shall be inserted—



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“Section 3A (causing death by careless driving when under the influence of drink or drugs).”

*The Coroners Act 1988 (c. 13)*

40 In section 16 of the Coroners Act 1988 (adjournment of inquest in certain cases) in subsection (1)(a)(ii) for the words from “section” to “driving)” there shall be substituted the words “section 1 or 3A of the Road Traffic Act 1988 (dangerous driving or careless driving when under the influence of drink or drugs)”.

41 In section 17 of that Act (supplementary provisions) in subsections (1)(b) and (2)(b) for the words from “section” to “driving)” there shall be substituted the words “section 1 or 3A of the Road Traffic Act 1988 (dangerous driving or careless driving when under the influence of drink or drugs)”.

*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—

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“(jj) speed limiters.”

(4) After subsection (4) there shall be inserted—

“(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,”.

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- 55 (1) Section 50 of that Act (appeals against determinations) shall be amended as follows.
- (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

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with”  
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— |
|-------------------------|--|
- 
- |                   |               |
|-------------------|---------------|
| “Vehicle examiner | Section 66A”. |
|-------------------|---------------|
- 
- 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.”

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*The Road Traffic Offenders Act 1988 (c. 53)*

- 80 In section 1 of the Road Traffic Offenders Act 1988 (requirement of warning etc of prosecution of certain offences), in subsection (1) for the words “where a person” to “convicted unless” there shall be substituted the words “a person shall not be convicted of an offence to which this section applies unless”.
- 81 For subsections (4) to (6) of section 2 of that Act (requirement of warning of prosecution: supplementary) there shall be substituted—
- “(4) Failure to comply with the requirement of section 1(1) of this Act in relation to an offence is not a bar to the conviction of a person of that offence by virtue of the provisions of—
- (a) section 24 of this Act, or
- (b) any of the enactments mentioned in section 24(6);
- but a person is not to be convicted of an offence by virtue of any of those provisions if section 1 applies to the offence with which he was charged and the requirement of section 1(1) was not satisfied in relation to the offence charged.”
- 82 In section 5 of that Act (exemption from Licensing Act offence) for the words “section 4” there shall be substituted the words “section 3A, 4”.
- 83 In section 7 of that Act (duty of accused to provide licence) for the words “obligatory endorsement” there shall be substituted the words “obligatory or discretionary disqualification”.
- 84 In section 11(1) of that Act (evidence by certificate as to driver, user or owner) for the words “motor vehicle” in each place where they occur there shall be substituted the words “mechanically propelled vehicle”.
- 85 In section 12 of that Act (proof of identity of driver) after subsection (3) there shall be added—
- “(4) In summary proceedings in Scotland for an offence to which section 20(2) of the Road Traffic Act 1988 applies, where—
- (a) it is proved to the satisfaction of the court that a requirement under section 172(2) of the Road Traffic Act 1988 to give information as to the identity of a driver on a particular occasion to which the complaint relates has been served on the accused by post, and
- (b) a statement in writing is produced to the court, purporting to be signed by the accused, that the accused was the driver of that vehicle on that occasion,
- that statement shall be sufficient evidence that the accused was the driver of the vehicle on that occasion.”
- 86 In section 14 of that Act (use of records kept by operators of goods vehicles) after the word “proceedings” there shall be inserted the words “for an offence under section 40A of the Road Traffic Act 1988 or”.
- 87 (1) Section 15 of that Act (use of specimens in proceedings for offences under sections 4 and 5 of the Road Traffic Act 1988) shall be amended as follows.
- (2) In subsection (1) for the words “section 4 or 5 of the Road Traffic Act 1988 (motor vehicles: drink and drugs)” there shall be substituted the words “section 3A, 4 or 5 of the Road Traffic Act 1988 (driving offences connected with drink or drugs)”, and for the words “sections 4 to 10” there shall be substituted the words “sections 3A to 10”.



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- (3) In subsection (2) after the word “cases” there shall be inserted the words “(including cases where the specimen was not provided in connection with the alleged offence)”.
- (4) For subsection (3) there shall be substituted—
- “*(3)* That assumption shall not be made if the accused proves—
- (a) that he consumed alcohol before he provided the specimen and—
- (i) in relation to an offence under section 3A, after the time of the alleged offence, and
- (ii) otherwise, after he had ceased to drive, attempt to drive or be in charge of a vehicle on a road or other public place, and
- (b) that had he not done so the proportion of alcohol in his breath, blood or urine would not have exceeded the prescribed limit and, if it is alleged that he was unfit to drive through drink, would not have been such as to impair his ability to drive properly.”
- 88 (1) Section 17 of that Act (provisions as to proceedings for certain offences in connection with the construction and use of vehicles) shall be amended as follows.
- (2) In subsection (1) for the words “section 42(1) of the Road Traffic Act 1988 (contravention” there shall be substituted the words “section 40A, 41A, 41B or 42 of the Road Traffic Act 1988 (using vehicle in dangerous condition or contravention”.
- (3) In subsection (3) after the word “requirements” there shall be inserted the words “, or so that it has ceased to be excessive,”.
- 89 In section 21(3) of that Act (evidence of one witness sufficient in Scotland in relation to certain offences) for the words “or 36” there shall be substituted the words “, 36 or 172.”
- 90 (1) Section 23 of that Act (alternative verdicts in Scotland) shall be amended as follows.
- (2) In subsection (1)—
- (a) for the words “motor vehicle” there shall be substituted the words “mechanically propelled vehicle”; and
- (b) for the word “reckless” there shall be substituted the word “dangerous”.
- (3) Subsection (2) shall be omitted.
- 91 (1) Section 27 of that Act (production of licence) shall be amended as follows.
- (2) In subsection (1), for the words from “endorsement” to “Act” there shall be substituted the words “or discretionary disqualification, and a court proposes to make an order disqualifying him or an order under section 44 of this Act, the court must, unless it has already received them,”.
- (3) Subsection (2) shall be omitted.
- (4) In subsection (3), after the words “as required” there shall be inserted the words “under this section or section 44 of the Powers of Criminal Courts Act 1973, or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975”.
- 92 (1) Section 30 of that Act (modification of penalty points where fixed penalty also in question) shall be amended as follows.
- (2) In subsection (1)(a) for the words “obligatory or discretionary disqualification” there shall be substituted the words “obligatory endorsement”.

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- (3) In subsection (2)—
- (a) the words “Subject to section 28(2) of this Act” shall be omitted,
  - (b) in paragraph (a) for “28(1)” there shall be substituted “28”, and
  - (c) in paragraph (b) at the end there shall be added the words “(except so far as they have already been deducted by virtue of this paragraph)”.
- (4) Subsection (3) shall be omitted.
- 93 In section 31(1) of that Act (court may take particulars endorsed on licence into account) for the words “obligatory endorsement” there shall be substituted the words “obligatory or discretionary disqualification”.
- 94 In section 32(1) of that Act (court in Scotland may take extract from licensing records into account) for the words “obligatory endorsement” there shall be substituted the words “obligatory or discretionary disqualification”.
- 95 (1) Section 35 of that Act (disqualification for repeated offences) shall be amended as follows.
- (2) In subsection (1)(a) for the words “involving obligatory or discretionary disqualification” there shall be substituted the words “to which this subsection applies”.
- (3) After subsection (1) there shall be inserted—
- “(1A) Subsection (1) above applies to—
- (a) an offence involving discretionary disqualification and obligatory endorsement, and
  - (b) an offence involving obligatory disqualification in respect of which no order is made under section 34 of this Act.”
- (4) In subsection (2) for the words “was imposed” there shall be substituted the words “was for a fixed period of 56 days or more and was imposed”.
- (5) In subsection (3) for the words “involving obligatory or discretionary disqualification” there shall be substituted the words “to which subsection (1) above applies”.
- (6) In subsection (5) for the words following “1973” there shall be substituted the words “or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975 (offences committed by using vehicles) or a disqualification imposed in respect of an offence of stealing a motor vehicle, an offence under section 12 or 25 of the Theft Act 1968, an offence under section 178 of the Road Traffic Act 1988, or an attempt to commit such an offence”.
- (7) After subsection (5) there shall be inserted—
- “(5A) The preceding provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling, procuring, or inciting to the commission of, an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.”
- 96 In section 37(3) of that Act (driver disqualified until test is passed entitled to provisional licence) for “36(1)” there shall be substituted “36”.
- 97 After section 41 of that Act there shall be inserted—

**“41A Suspension of disqualification pending determination of applications under section 34B**

- (1) Where a person makes an application to a court under section 34B of this Act, the court may suspend the disqualification to which the application relates pending the determination of the application.
  - (2) Where a court exercises its power under subsection (1) above it must send notice of the suspension to the Secretary of State.
  - (3) The notice must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.”
- 98 In section 42 of that Act (removal of disqualification) after subsection (5) there shall be inserted—
- “(5A) Subsection (5)(a) above shall apply only where the disqualification was imposed in respect of an offence involving obligatory endorsement; and in any other case the court must send notice of the order made under this section to the Secretary of State.
- (5B) A notice under subsection (5A) above must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.”
- 99 (1) Section 45 of that Act (effect of endorsement) shall be amended as follows.
- (2) In subsection (5)(b), for sub-paragraph (ii) there shall be substituted—  
“(ii) an order is made for the disqualification of the offender under section 35 of this Act”.
  - (3) In subsection (6) for the word “reckless” in both places where it occurs there shall be substituted the word “dangerous”.
  - (4) In subsection (7), for paragraph (a) there shall be substituted—  
“(a) section 3A, 4(1) or 5(1)(a) of that Act (driving offences connected with drink or drugs), or”.
- 100 (1) Section 47 of that Act (supplementary provisions as to disqualifications and endorsements) shall be amended as follows.
- (2) In subsection (2), for the words from “and, if it” to “disqualified, must” there shall be substituted the words “, and where a court orders the holder of a licence to be disqualified for a period of 56 days or more it must,”.
  - (3) In subsection (3), for the words “any such order” there shall be substituted the words “an order for the endorsement of a licence or the disqualification of a person”.
- 101 For section 48 of that Act (exemption from disqualification and endorsement for offences against construction and use regulations) there shall be substituted—

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**“48 Exemption from disqualification and endorsement for certain construction and use offences**

(1) Where a person is convicted of an offence under section 40A of the Road Traffic Act 1988 (using vehicle in dangerous condition etc) the court must not—

- (a) order him to be disqualified, or
- (b) order any particulars or penalty points to be endorsed on the counterpart of any licence held by him,

if he proves that he did not know, and had no reasonable cause to suspect, that the use of the vehicle involved a danger of injury to any person.

(2) Where a person is convicted of an offence under section 41A of the Road Traffic Act 1988 (breach of requirement as to brakes, steering-gear or tyres) the court must not—

- (a) order him to be disqualified, or
- (b) order any particulars or penalty points to be endorsed on the counterpart of any licence held by him,

if he proves that he did not know, and had no reasonable cause to suspect, that the facts of the case were such that the offence would be committed.

(3) In relation to licences which came into force before 1st June 1990, the references in subsections (1) and (2) above to the counterpart of a licence shall be construed as references to the licence itself.”

102 For section 53 of that Act there shall be substituted—

**“53 Amount of fixed penalty**

(1) The fixed penalty for an offence is—

- (a) such amount as the Secretary of State may by order prescribe, or
- (b) one half of the maximum amount of the fine to which a person committing that offence would be liable on summary conviction, whichever is the less.

(2) Any order made under subsection (1)(a) may make different provision for different cases or classes of case or in respect of different areas.”

103 (1) Section 54 of that Act (power to give fixed penalty notices on the spot or at a police station exercisable only if offender would not if convicted be liable to disqualification under section 35) shall be amended as follows.

(2) In subsection (1), after the word “where”, there shall be inserted the words “in England and Wales”.

(3) After subsection (9) there shall be added—

“(10) In determining for the purposes of subsections (3)(b) and (5)(a) above whether a person convicted of an offence would be liable to disqualification under section 35, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.”

- 104 In section 61 of that Act (fixed penalty notice mistakenly given) after subsection (5) there shall be added—
- “(6) In determining for the purposes of subsection (1) above whether a person convicted of an offence would be liable to disqualification under section 35, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.”
- 105 In section 69(4) of that Act (references to fixed penalty clerk) after the words “of this Act” there shall be inserted the words “(except in sections 75 to 77)”.
- 106 At the end of section 86(1) of that Act (functions of traffic wardens) there shall be added the words “unless that offence was committed whilst the vehicle concerned was stationary.”
- 107 (1) Section 89 of that Act (interpretation), shall be amended as follows.
- (2) After the definition of “authorised person” there shall be inserted—
- ““chief constable” means, in Scotland in relation to any conditional offer, the chief constable for the area in which the conditional offer has been issued.”
- (3) In the definition of “chief officer of police” for the words “or notice to owner” there shall be substituted the words “, notice to owner or conditional offer”.
- 108 In section 90 of that Act (index to Part III)—
- (a) in the entry relating to the expression “Conditional offer”, for the words “Section 75(4)” there shall be substituted the words “Section 75(3)”; and
- (b) at the end of the entry relating to the expression “Fixed penalty clerk” there shall be added the words “and 75(4)”.
- 109 In section 92 of that Act (persons in public service of Crown) after “16” there shall be inserted “20”.
- 110 In section 93(2) of that Act (persons subject to service discipline) for “4” there shall be substituted “3A”.
- 111 (1) In subsection (1) of section 98 of that Act (interpretation), in paragraph (b) of the definition of “road”, for the words “has the same meaning as in the Roads (Scotland) Act 1984” there shall be substituted the words “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,”.
- (2) At the end of subsection (2) of that section there shall be added the word “Act”.
- 112 (1) Schedule 3 to the Road Traffic Offenders Act 1988 (fixed penalty offences) shall be amended as follows.
- (2) After the entry relating to section 36 of the Road Traffic Act 1988 there shall be inserted—

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“RTA section 40A

Using vehicle in dangerous condition etc.

RTA section 41A

Breach of requirement as to brakes, steering-gear or tyres.

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RTA section 41B	Breach of requirement as to weight: goods and passenger vehicles.”
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- (3) In the entry relating to section 42 of the Road Traffic Act 1988, for the words in column 2 there shall be substituted the words “Breach of other construction and use requirements”.
- (4) In the entry relating to section 87(1) of the Road Traffic Act 1988, in column 2 for the word “without” there shall be substituted the words “otherwise than in accordance with”.
- 113 In Schedule 5 to the Road Traffic Offenders Act 1988 (conditional offer of fixed penalty in relation to certain offences in Scotland), in the entry relating to section 87(2) of the Road Traffic Act 1988, in column (2) for the word “without” there shall be substituted the words “otherwise than in accordance with”.

*The Road Traffic (Consequential Provisions) Act 1988 (c. 54)*

- 114 In section 8(3) of the Road Traffic (Consequential Provisions) Act 1988 (commencement) for the words from the beginning to the end of paragraph (c) there shall be substituted the words “Paragraphs 15 to 20 of Schedule 2 to this Act”.

SCHEDULE 5

Section 52.

THE TRAFFIC DIRECTOR FOR LONDON

*Status*

- 1 The Traffic Director for London shall be a corporation sole.
- 2 The Director shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Director’s property shall not be regarded as property of, or held on behalf of, the Crown.

*Tenure of office*

- 3 (1) Subject to the following provisions of this paragraph, the Director shall hold and vacate office in accordance with the terms of his appointment.
- (2) The Director shall be appointed for a term not exceeding five years.
- (3) At the end of a term of appointment the Director shall be eligible for re-appointment.
- (4) The Director may at any time resign his office by notice in writing addressed to the Secretary of State.
- (5) The Secretary of State may remove the Director from office—
- (a) if a bankruptcy order has been made against him, or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
  - (b) if satisfied that he is otherwise unable or unfit to discharge his functions.

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- (6) The Director's terms of appointment may provide for his removal from office (without assigning cause) on notice from the Secretary of State of such length as may be specified in those terms, subject, if those terms so provide, to compensation of such amount as the Secretary of State may, with the approval of the Treasury, determine.

*Remuneration etc*

- 4 (1) There shall be paid to the Director such remuneration and such travelling and other allowances as the Secretary of State may determine.
- (2) In the case of any such holder of the office of Director as may be determined by the Secretary of State, there shall be paid such pension, allowances or gratuities to or in respect of him, or such payments towards the provision of a pension, allowances or gratuities to or in respect of him, as may be so determined.
- (3) If the Secretary of State determines that there are special circumstances which make it right that a person ceasing to hold office as Director should receive compensation, there may be paid to him a sum by way of compensation of such amount as the Secretary of State may determine.
- (4) Sub-paragraph (3) above does not apply in the case of a person who receives compensation by virtue of paragraph 3(6) above.
- (5) The approval of the Treasury shall be required for the making of a determination under this paragraph.

*Staff*

- 5 (1) The Director shall act only with the approval of the Secretary of State, given with the approval of the Treasury, in determining—
- (a) the number of persons to be employed by him;
  - (b) the remuneration, allowances and gratuities to be paid to or in respect of such persons; and
  - (c) any other terms and conditions of their service.
- (2) Anything authorised or required by or under any enactment to be done by the Director may be done by any person employed by him who has been authorised by the Director, whether generally or specially, for that purpose.
- (3) Employment by the Director shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 may apply; and, accordingly, in Schedule 1 to that Act (in which those kinds of employment are listed) at the end of the list of "Other Bodies" there shall be inserted—
- "Employment by the Traffic Director for London."
- (4) The Director shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase in the sums payable out of money provided by Parliament under that Act attributable to sub-paragraph (3) above.
- (5) Where an employee of the Director who is (by reference to that employment) a participant in a scheme under section 1 of that Act, becomes a holder of the office of

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Director, the Treasury may determine that his term of office shall be treated for the purposes of the scheme as employment by the Director (whether or not any benefits are payable to or in respect of him by virtue of paragraph 4(2) above).

*Financial provisions*

- 6 The remuneration of the Director and any other payments made under paragraphs 3(6) or 4 above to or in respect of him shall be paid out of grants made by the Secretary of State under section 80(2) of this Act.

*Accounts*

- 7 (1) The Director shall keep accounts and shall prepare a statement of accounts in respect of each financial year.
- (2) The accounts shall be kept, and the statement shall be prepared, in such form as the Secretary of State may, with the approval of the Treasury, direct.
- (3) The accounts shall be audited by persons appointed in respect of each financial year by the Secretary of State.
- (4) No person shall be qualified to be appointed as auditor under this paragraph unless he is—
- (a) a member of a body of accountants established in the United Kingdom and for the time being recognised for the purposes of Part II of the Companies Act 1989; or
  - (b) a member of the Chartered Institute of Public Finance and Accountancy;
- but a firm may be appointed as auditor under this paragraph if each of its members is qualified to be so appointed.
- (5) In this paragraph, and in paragraph 8 below, “financial year” means—
- (a) the period beginning with the day on which the first person to hold the office of Director takes office and ending with the following 31st March; and
  - (b) each subsequent period of twelve months ending with 31st March.

*Annual report etc*

- 8 (1) As soon as possible after the end of each financial year, the Director shall submit to the Secretary of State an annual report on the discharge in that year of his functions.
- (2) Each report shall contain a copy of the statement of accounts prepared and audited under paragraph 7 above in respect of that financial year.
- (3) The Secretary of State shall lay a copy of the Director’s annual report before each House of Parliament.
- (4) The Director shall provide the Secretary of State with such information relating to his property and the discharge and proposed discharge of his functions as the Secretary of State may require; and for that purpose shall—
- (a) permit any person authorised in that behalf by the Secretary of State to make copies of any accounts or other documents; and
  - (b) give such explanation as may be required of any such accounts or documents.



*Evidence*

- 9 A document purporting to be duly executed under the seal of the Director or to be signed on the Director’s behalf shall be received in evidence and, unless the contrary is proved, be deemed to be so executed or signed.

*Public records*

- 10 In Schedule 1 to the Public Records Act 1958, in Part II of the Table in paragraph 3 the following entry shall be inserted at the appropriate place—

“Traffic Director for London”.

*The Parliamentary Commissioner*

- 11 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments and authorities subject to investigation), the following entry shall be inserted at the appropriate place—

“Traffic Director for London.”

*Parliamentary disqualification*

- 12 (1) In the House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices), the following entry shall be inserted at the appropriate place—

“Traffic Director for London.”

- (2) The same entry shall be inserted at the appropriate place in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

SCHEDULE 6

Section 66(7).

PARKING PENALTIES

*The notice to owner*

- 1 (1) Where—
- (a) a penalty charge notice has been issued with respect to a vehicle under section 66 of this Act; and
  - (b) the period of 28 days for payment of the penalty charge has expired without that charge being paid,
- the London authority concerned may serve a notice (“a notice to owner”) on the person who appears to them to have been the owner of the vehicle when the alleged contravention occurred.
- (2) A notice to owner must state—
- (a) the amount of the penalty charge payable;
  - (b) the grounds on which the parking attendant who issued the penalty charge notice believed that a penalty charge was payable with respect to the vehicle;

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- (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date on which the notice to owner is served;
  - (d) that failure to pay the penalty charge may lead to an increased charge being payable;
  - (e) the amount of that increased charge;
  - (f) that the person on whom the notice is served (“the recipient”) may be entitled to make representations under paragraph 2 below; and
  - (g) the effect of paragraph 5 below.
- (3) The Secretary of State may prescribe additional matters which must be dealt with in any notice to owner.

*Representations against notice to owner*

- 2 (1) Where it appears to the recipient that one or other of the grounds mentioned in sub-paragraph (4) below are satisfied, he may make representations to that effect to the London authority who served the notice on him.
- (2) Any representations under this paragraph must be made in such form as may be specified by the London authorities, acting through the Joint Committee.
- (3) The authority may disregard any such representations which are received by them after the end of the period of 28 days beginning with the date on which the notice to owner was served.
- (4) The grounds are—
- (a) that the recipient—
    - (i) never was the owner of the vehicle in question;
    - (ii) had ceased to be its owner before the date on which the alleged contravention occurred; or
    - (iii) became its owner after that date;
  - (b) that the alleged contravention did not occur;
  - (c) that the vehicle had been permitted to remain at rest in the parking place by a person who was in control of the vehicle without the consent of the owner;
  - (d) that the relevant designation order is invalid;
  - (e) that the recipient is a vehicle-hire firm and—
    - (i) the vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and
    - (ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice fixed to the vehicle during the currency of the hiring agreement;
  - (f) that the penalty charge exceeded the amount applicable in the circumstances of the case.
- (5) Where the ground mentioned in sub-paragraph (4)(a)(ii) above is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person to whom the vehicle was disposed of by the person making the representations (if that information is in his possession).
- (6) Where the ground mentioned in sub-paragraph (4)(a)(iii) above is relied on in any representations made under this paragraph, those representations must include a

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statement of the name and address of the person from whom the vehicle was acquired by the person making the representations (if that information is in his possession).

- (7) It shall be the duty of an authority to whom representations are duly made under this paragraph—
- (a) to consider them and any supporting evidence which the person making them provides; and
  - (b) to serve on that person notice of their decision as to whether they accept that the ground in question has been established.

*Cancellation of notice to owner*

- 3 (1) Where representations are made under paragraph 2 above and the London authority concerned accept that the ground in question has been established they shall—
- (a) cancel the notice to owner; and
  - (b) state in the notice served under paragraph 2(7) above that the notice to owner has been cancelled.
- (2) The cancellation of a notice to owner under this paragraph shall not be taken to prevent the London authority concerned serving a fresh notice to owner on another person.
- (3) Where the ground that is accepted is that mentioned in paragraph 2(4)(e) above, the person hiring the vehicle shall be deemed to be its owner for the purposes of this Schedule.

*Rejection of representations against notice to owner*

- 4 Where any representations are made under paragraph 2 above but the London authority concerned do not accept that a ground has been established, the notice served under paragraph 2(7) above (“the notice of rejection”) must—
- (a) state that a charge certificate may be served under paragraph 6 below unless before the end of the period of 28 days beginning with the date of service of the notice of rejection—
    - (i) the penalty charge is paid; or
    - (ii) the person on whom the notice is served appeals to a parking adjudicator against the penalty charge;
  - (b) indicate the nature of a parking adjudicator’s power to award costs against any person appealing to him; and
  - (c) describe in general terms the form and manner in which an appeal to a parking adjudicator must be made,
- and may contain such other information as the authority consider appropriate.

*Adjudication by parking adjudicator*

- 5 (1) Where an authority serve notice under sub-paragraph (7) of paragraph 2 above, that they do not accept that a ground on which representations were made under that paragraph has been established, the person making those representations may, before—
- (a) the end of the period of 28 days beginning with the date of service of that notice; or
  - (b) such longer period as a parking adjudicator may allow,

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appeal to a parking adjudicator against the authority's decision.

- (2) On an appeal under this paragraph, the parking adjudicator shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in paragraph 2(4) above and may give the London authority concerned such directions as he considers appropriate.
- (3) It shall be the duty of any authority to whom a direction is given under sub-paragraph (2) above to comply with it forthwith.

#### *Charge certificates*

- 6 (1) Where a notice to owner is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, the authority serving the notice may serve on that person a statement (a "charge certificate") to the effect that the penalty charge in question is increased by 50 per cent.
- (2) The relevant period, in relation to a notice to owner, is the period of 28 days beginning—
  - (a) where no representations are made under paragraph 2 above, with the date on which the notice to owner is served;
  - (b) where—
    - (i) such representations are made;
    - (ii) a notice of rejection is served by the authority concerned; and
    - (iii) no appeal against the notice of rejection is made,
 with the date on which the notice of rejection is served; or
  - (c) where there has been an unsuccessful appeal against a notice of rejection, with the date on which notice of the adjudicator's decision is served on the appellant.
- (3) Where an appeal against a notice of rejection is made but is withdrawn before the adjudicator gives notice of his decision, the relevant period in relation to a notice to owner is the period of 14 days beginning with the date on which the appeal is withdrawn.

#### *Enforcement of charge certificate*

- 7 Where a charge certificate has been served on any person and the increased penalty charge provided for in the certificate is not paid before the end of the period of 14 days beginning with the date on which the certificate is served, the authority concerned may, if a county court so orders, recover the increased charge as if it were payable under a county court order.

#### *Invalid notices*

- 8 (1) This paragraph applies where—
  - (a) a county court makes an order under paragraph 7 above;
  - (b) the person against whom it is made makes a statutory declaration complying with sub-paragraph (2) below; and
  - (c) that declaration is, before the end of the period of 21 days beginning with the date on which notice of the county court's order is served on him, served on the county court which made the order.

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- (2) The statutory declaration must state that the person making it—
  - (a) did not receive the notice to owner in question;
  - (b) made representations to the London authority concerned under paragraph 2 above but did not receive a rejection notice from that authority; or
  - (c) appealed to a parking adjudicator under paragraph 5 above against the rejection by that authority of representations made by him under paragraph 2 above but had no response to the appeal.
- (3) Sub-paragraph (4) below applies where it appears to a district judge, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of his case to insist on him serving his statutory declaration within the period of 21 days allowed for by sub-paragraph (1) above.
- (4) Where this sub-paragraph applies, the district judge may allow such longer period for service of the statutory declaration as he considers appropriate.
- (5) Where a statutory declaration is served under sub-paragraph (1)(c) above—
  - (a) the order of the court shall be deemed to have been revoked;
  - (b) the charge certificate shall be deemed to have been cancelled;
  - (c) in the case of a declaration under sub-paragraph (2)(a) above, the notice to owner to which the charge certificate relates shall be deemed to have been cancelled; and
  - (d) the district judge shall serve written notice of the effect of service of the declaration on the person making it and on the London authority concerned.
- (6) Service of a declaration under sub-paragraph (2)(a) above shall not prevent the London authority serving a fresh notice to owner.
- (7) Where a declaration has been served under sub-paragraph (2)(b) or (c) above, the London authority shall refer the case to the parking adjudicator who may give such direction as he considers appropriate.

*Offence of giving false information*

- 9 (1) A person who, in response to a notice to owner served under this Schedule, makes any representation under paragraph 2 or 5(2) above which is false in a material particular and does so recklessly or knowing it to be false in that particular is guilty of an offence.
- (2) Any person guilty of such an offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

*Service by post*

- 10 Any charge certificate, or notice under this Schedule—
  - (a) may be served by post; and
  - (b) where the person on whom it is to be served is a body corporate, is duly served if it is sent by post to the secretary or clerk of that body.

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## SCHEDULE 7

Section 81.

### MINOR AND CONSEQUENTIAL AMENDMENTS IN RELATION TO LONDON

#### *The Tribunals and Inquiries Act 1971 (c. 62)*

- 1 In paragraph 30 of the Tribunals and Inquiries Act 1971, in Part I of Schedule 1 (tribunals under direct supervision of the Council on Tribunals) after “30” there shall be inserted “(a)”, and at the end of that paragraph there shall be inserted the words “and
- (b) a parking adjudicator appointed under section 73(3)(a) of the Road Traffic Act 1991.”

#### *The Greater London Council (General Powers) Act 1974 (c. xxiv)*

- 2 In section 15 of the Greater London Council (General Powers) Act 1974 (parking on footways etc.) in subsection (12)(b) for the words “under section 84” there shall be substituted the words “made by virtue of section 84(1)(a)”.

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

- 3 In section 7 of the Road Traffic Regulation Act 1984 (provisions supplementary to section 6), in subsection (6) for the words “Secretary of State for the Home Department” there shall be substituted the words “the Commissioner of Police for any police area in which is situated any road or part of a road to which the order is to relate”.
- 4 In that Act, after section 13 there shall be inserted—

#### *“Temporary suspension*

### **13A Temporary suspension of provisions under s. 6 or 9 orders**

- (1) The Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London may temporarily suspend the operation of any provision of an order made under section 6 or 9 of this Act so far as that provision relates to any road or part of a road in Greater London which is within his area, in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic in consequence of extraordinary circumstances.
- (2) Subject to subsection (3) below, the period of suspension under subsection (1) above shall not continue for more than 7 days.
- (3) If the Secretary of State gives his consent to the period of suspension being continued for more than 7 days, the suspension shall continue until the end of such period as may be specified by the Secretary of State in giving his consent.”
- 5 (1) Section 55 of that Act (financial provisions relating to designation orders) shall be amended as follows.
- (2) In subsection (1), for the words from “designated” to the end there shall be substituted the words “for which they are the local authority and which are—

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- (a) in the case of the council of a London borough and the Common Council of the City of London, parking places on the highway; and
  - (b) in the case of any other authority, designated parking places.”
- (3) After subsection (3) there shall be inserted—
  - “(3A) The council of each London borough and the Common Council of the City of London shall, after each financial year, report to the Secretary of State on any action taken by them, pursuant to subsection (2) or (3) above, in respect of any deficit or surplus in their account for the year.
  - (3B) The report under subsection (3A) above shall be made as soon after the end of the financial year to which it relates as is reasonably possible.”
- (4) In subsection (4)(c), the words from “to the council” to “City of London” shall be omitted.
- 6 (1) Section 105 of that Act (exemptions from provisions relating to immobilisation of vehicles) shall be amended as follows.
  - (2) In subsection (2) after the words “of any vehicle” there shall be inserted the words “found otherwise than in Greater London”.
  - (3) After subsection (2) there shall be inserted—
    - “(2A) The exemption under subsection (1)(b) above shall not apply in the case of any vehicle found in Greater London if the meter bay in which it was found was not authorised for use as such at the time when it was left there.”
  - (4) In subsection (3) for the words “subsection (2)(a)” there shall be substituted the words “subsections (2)(a) and (2A)”.
- 7 In section 122 of that Act (exercise of functions by local authorities) there shall be added at the end—
  - “(3) The duty imposed by subsection (1) above is subject to the provisions of Part II of the Road Traffic Act 1991.”

*The Local Government Act 1985 (c. 51)*

- 8 (1) For paragraph 5 of Schedule 5 to the Local Government Act 1985 (designation of routes in London) there shall be substituted—
  - “5 (1) For the purpose of facilitating the movement of traffic in Greater London, the Secretary of State may by order designate a road in that area.
  - (2) Before doing so, he shall consult—
    - (a) the council of the London borough in which the road is;
    - (b) the council of any other London borough or of any county where there is a road which he considers is likely to be affected by the designation; and
    - (c) such other persons (if any) as he considers it appropriate to consult.
  - (3) No council of a London borough shall exercise any power under the Highways Act 1980 or the Road Traffic Regulation Act 1984 in a way

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which will affect, or be likely to affect, a designated road unless the requirements of sub-paragraph (4) below have been satisfied.

- (4) The requirements are that—
- (a) the council concerned has given notice to the Director, in such manner as he may require, of its proposal to exercise the power in the way in question; and
  - (b) either—
    - (i) the Director has approved the proposal; or
    - (ii) the period of one month beginning with the date on which he received notice of the proposal has expired without his having objected to it.
- (5) The Secretary of State may by an instrument in writing exclude any power from the application of this paragraph to the extent specified in the instrument.
- (6) Any such instrument may, in particular, exclude a power as respects—
- (a) all or any of the London boroughs;
  - (b) all or any of the designated roads; or
  - (c) the exercise of the power in such manner or circumstances as may be specified in the instrument.
- (7) This paragraph does not apply to the exercise of a power under section 14 or sections 32 to 38 of the 1984 Act in relation to a road which is not a designated road.
- (8) If the council of a London borough exercises any power in contravention of this paragraph, the Director may take such steps as he considers appropriate to reverse or modify the effect of the exercise of that power.
- (9) Any reasonable expenses incurred by the Director in taking any steps under sub-paragraph (8) shall be recoverable by him from the council as a civil debt.
- (10) In this paragraph—
- “designated road” means a road designated under this paragraph; and
  - “Director” means the Traffic Director for London.”

9 (1) Paragraph 6 of that Schedule (guidance as to exercise of traffic powers) shall be amended as follows.

(2) In sub-paragraph (5) for the words “summarily as a civil debt” there shall be substituted the words “as a debt due to the Crown”.

(3) After sub-paragraph (6), there shall be inserted—

“(7) Sub-paragraphs (3) to (6) above shall not apply in relation to the exercise of any power, by the council of a London borough, in complying with the duty imposed on them by section 57(1) of the Road Traffic Act 1991 (implementation of local plans).”

10 In paragraph 10(6) of that Schedule (recovery of sums expended by the Secretary of State in connection with traffic control systems) for the words “summarily as a civil debt” there shall be substituted the words “as a debt due to the Crown”.



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- 11 In paragraph 11 of that Schedule (recovery of sums expended by the Secretary of State to obtain information) for the words “summarily as a civil debt” there shall be substituted the words “as a debt due to the Crown”.

*The New Roads and Street Works Act 1991 (c. 22)*

- 12 In section 64 of the New Roads and Street Works Act 1991 (traffic-sensitive streets), after subsection (3) there shall be added—

“(4) Where any council of a London borough or the Common Council of the City of London are asked by the Traffic Director for London to designate a street as a traffic-sensitive street and they decline to do so, the Director may appeal to the Secretary of State who may direct that the street be designated.”

SCHEDULE 8

Section 83.

REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1970 c. 44.	The Chronically Sick and Disabled Persons Act 1970.	In section 21(4) the words “and any badge” onwards. In section 21(5) the words “and in the case” onwards.
1972 c. 27.	The Road Traffic (Foreign Vehicles) Act 1972.	In Schedule 1—the entry relating to section 8(1) of the Public Passenger Vehicles Act 1981; in the entry relating to section 68 of the Road Traffic Act 1988, the word “goods”.
1972 c. 71.	The Criminal Justice Act 1972.	Section 24(2).
1973 c. 62.	The Powers of Criminal Courts Act 1973.	In section 44(3), paragraphs (a) and (b) and the word “and” immediately preceding them.
1975 c. 46.	The International Road Haulage Permits Act 1975.	In section 1(9), the words “section 56(1) of the Road Traffic Act 1972 or”.
1981 c. 14.	The Public Passenger Vehicles Act 1981.	Section 7. Section 8(1) to (2). In section 8(3), the words “for the purposes of this Act”. Section 9. In section 9A(1), the words “with the omission of subsection (1)(b)”. Section 9A(2). Section 20(6). Section 51(2). In section 53(1),

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		the words “certifying officers, public service vehicle examiners” and the words “public service” in the second place where they appear. Section 65(1) (f). In section 66A(1), paragraph (b) and the word “or” immediately preceding it. In section 68(4), the reference to section 9(9)(b). In section 82(1), the definition of “certifying officer”. In Schedule 7, paragraph 17(a).
1982 c. 49.	The Transport Act 1982.	In section 9, the paragraph beginning “Any functions under section 9”. Section 10(5). In section 10(8), the words from “Without prejudice” to “their functions”. Section 19. Section 21(2) and (3). Section 23(4). In Schedule 5, paragraph 21.
1984 c. 27.	The Road Traffic Regulation Act 1984.	In section 17(2), the word “or” at the end of paragraph (b). Section 35(9). In section 51(5), the words “being not less than 2 years”. In section 55(4) (c), the words from “to the Council” to “City of London”. In section 85(1), the words “the prescribed”. In section 85(2)(a), the words “the prescribed”. In section 99(2), paragraph (c) and the word “and” immediately preceding it. In section 102(2), the word “and” at the end of paragraph (b). In section 102(8), the words following paragraph (b) in the definition of “appropriate authority”, and the word “and” at the end of the definition of “person responsible”. Section 104(10). In section 105(3) (b), the words “under

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		section 49(4) of this Act.”In section 106— subsections (2) to (4), (6) and (10);in subsection (5), the words “After the end of the experimental period”;in subsection (9), the words “except in the case of an order to which subsection (6) above applies”.In section 117(3), the definition of “disabled person’s badge”.Section 141.In Schedule 13, in paragraph 40, the words “and for” onwards.
1985 c. 67.	The Transport Act 1985.	In Part II of Schedule 2, paragraph 4(3) and (11)(b).In Schedule 7, paragraph 21(2) and (3).
1988 c. 52.	The Road Traffic Act 1988.	Section 15(10).Section 19A.In section 29, the words “In this section” to the end.Section 30(3).Section 41(3)(b) and (c).Section 48(6).Section 50(2) and (3).In section 51(1)(b), the word “goods”.In section 61(2) (a), the words from “goods” to “service”.Section 61(5).Section 67(4) (a).Section 73(2).Section 75(3)(a)(iii).In section 75(6), paragraph (c) and the word “or” immediately preceding it.Section 75(8).Section 79(2)(a).In section 86, in the table, the entry for “Goods vehicle examiner”.Section 97(7).Section 98(5).In section 105(2)(ee), the words “for any purpose of this Part of this Act”.In section 105(2)(f), the words “for the purposes of this Part of this Act”.Section 151(9) (b).In section 164(6), the words “to a constable”.In section 165(4), the words “to a constable”.In

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		section 173(2), the word “and” at the end of paragraph (k).In section 183(3), paragraph (b) and the word “and” immediately preceding it.In section 192(2), the word ““road””.Section 193.Schedule 4.
1988 c. 53.	The Road Traffic Offenders Act 1988.	In section 17(3), the word “goods” in each place where it occurs.Section 23(2).Section 27(2).In section 30(2), the words “Subject to section 28(2) of this Act.”.Section 30(3).Section 54(8).Section 59(6).Section 60.In Schedule 1, in the Table—in the entry relating to section 71 of the Road Traffic Act 1988, in column 2 the word “goods” in each place where it occurs;the entries relating to sections 97 and 98 of that Act.In Part I of Schedule 2—in the entries relating to sections 68 and 71 of the Road Traffic Act 1988, in column 2 the word “goods” in each place where it occurs;the entries relating to sections 97 and 98 of that Act;in the entry relating to section 165 of that Act, in column 2 the word “constable”;the entries in columns 6 and 7 relating to section 178 of that Act;in the entry relating to section 26 of the Road Traffic Offenders Act, in column 2 the words “on committal for sentence etc.”In Part II of Schedule 2, the entries in columns 3 and 4 relating to stealing or attempting to steal a motor vehicle or to section 12 or 25 of the Theft Act 1968.In Schedule 3, the entry relating

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1988 c. 54.	The Road Traffic (Consequential Provisions) Act 1988.	to section 97 of the Road Traffic Act 1988. Section 6. In Part I of Schedule 2— paragraph 1; in paragraph 3(1) the entry beginning “for “section 56(2)(a)”” . paragraph 4(2); paragraph 8; paragraph 9; paragraph 10(b); paragraph 13(b)(ii); paragraph 15(b) and the word “and” immediately preceding it. Parts II, III and IV of Schedule 2. In Schedule 3— paragraph 6(3) and (5); paragraph 8(1); paragraph 8(2) (d) and the word “and” immediately preceding it; paragraph 9(1)(c) and the word “and” immediately preceding it; paragraph 9(3) (b); paragraph 11(b) and (c); paragraph 37(1) and (2). Schedule 5.
1989 c. 22.	The Road Traffic (Driver Licensing and Information Systems) Act 1989.	In Schedule 3, paragraph 21.
1991 c. 40	The Road Traffic Act 1991.	In Schedule 4, paragraph 79.

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