

SCHEDULES

SCHEDULE 10

Section 51

REGULATION OF THE USE OF ROADS AND RAILWAYS

PART 1

DURATION OF DRIVING LICENCES TO BE GRANTED TO DRIVERS WITH RELEVANT OR PROSPECTIVE DISABILITIES

- 1 Part 3 of the Road Traffic Act 1988 (licensing of drivers of vehicles) is amended as follows.
- 2 In section 99 (duration of licences of drivers of motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle), in subsection (1)(b) (duration of licence to be granted to person suffering from relevant or prospective disability), for the words from “of not more than” to “may determine” substitute “as the Secretary of State may determine which shall be a period—
 - (i) of not more than ten years and not less than one year, ending on or before the seventieth anniversary of the applicant’s date of birth, or
 - (ii) where, at the time the licence is granted, there are less than three years until that seventieth anniversary or where the licence is granted on or after that anniversary, of not more than three years and not less than one year”.
- 3 In consequence of paragraph 2, in section 100(1)(b) (appeals relating to licences: determination under section 99(1)(b))—
 - (a) for “three” substitute “ten”;
 - (b) after “or less” insert “or, where sub-paragraph (ii) of section 99(1)(b) applies, for three years or less”.

PART 2

PERMIT SCHEMES: REMOVAL OF REQUIREMENT FOR SECRETARY OF STATE APPROVAL

- 4 Part 3 of the Traffic Management Act 2004 (permit schemes) is amended as follows.
- 5 (1) Section 33 (preparation of permit schemes) is amended as follows.
 - (2) For subsection (1) substitute—

“(1) A permit scheme may be prepared by—
 - (a) a strategic highways company,
 - (b) a local highway authority in England, or

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(c) such a company or authority acting together with one or more other such companies or authorities.

(1A) A local highway authority in Wales, or two or more such authorities acting together, may prepare and submit to the Welsh Ministers a permit scheme.”

(3) For subsection (2) substitute—

“(2) The Secretary of State may direct—

- (a) a strategic highways company,
- (b) a local highway authority in England, or
- (c) such a company or authority acting together with one or more other such companies or authorities,

to prepare and give effect to a permit scheme which takes such form as the Secretary of State may direct.

(2A) The Welsh Ministers may direct a local highway authority in Wales, or two or more such authorities acting together, to prepare and submit to them a permit scheme which takes such form as the Welsh Ministers may direct.”

6 After section 33 insert—

“33A Implementation of permit schemes of strategic highway companies and local highway authorities in England

(1) This section applies to a permit scheme prepared in accordance with section 33(1) or (2) by—

- (a) a strategic highways company,
- (b) a local highway authority in England, or
- (c) such a company or authority acting together with one or more other such companies or authorities.

(2) The scheme shall not have effect in the area of a participating authority unless the authority gives effect to it by order.

(3) For the purposes of subsection (2) a local highway authority or a strategic highways company is a “participating authority” in relation to a permit scheme if it is the highway authority for any of the streets in which the scheme is to control the carrying out of works.

(4) An order under subsection (2)—

- (a) must set out the scheme and specify the date on which the scheme is to come into effect, and
- (b) may (in accordance with permit regulations) include provisions which disapply or modify enactments to the extent specified in the order.”

7 (1) Section 34 (implementation of local highway authority permit schemes) is amended as follows.

(2) In subsection (1)—

- (a) after “prepared” insert “by a local highway authority in Wales”;
- (b) for “appropriate national authority (“the authority”)” substitute “Welsh Ministers”;

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(c) for “33(1) or (2)” substitute “33(1A) or (2A)”.

(3) In subsection (2), for “authority” substitute “Welsh Ministers”.

(4) In subsection (3), for “it approves” substitute “the Welsh Ministers approve”.

(5) In subsection (4), for “the authority by order gives” substitute “the Welsh Ministers by order give”.

(6) In the heading, at the end insert “: Wales”.

8 For section 36 (variation and revocation of permit schemes) substitute—

“36 Variation and revocation of permit schemes

- (1) A local highway authority in England may by order vary or revoke a permit scheme to the extent that it has effect in the area of the authority by virtue of an order made by the authority under section 33A(2).
- (2) The Secretary of State may direct a local highway authority in England to vary or revoke a permit scheme by an order under subsection (1).
- (3) An order made by a local highway authority under subsection (1) may vary or revoke an order made by the authority under section 33A(2), or an order previously made by the authority under subsection (1).
- (4) A strategic highways company may by order vary or revoke a permit scheme to the extent that it has effect, by virtue of an order made by the company under section 33A(2), in the area in respect of which the company is appointed.
- (5) The Secretary of State may direct a strategic highways company to vary or revoke a permit scheme by an order under subsection (4).
- (6) An order made by a strategic highways company under subsection (4) may vary or revoke an order made by the company under section 33A(2), or an order previously made by the company under subsection (4).
- (7) The Welsh Ministers may by order vary or revoke any permit scheme which for the time being has effect by virtue of an order made by them under section 34(4) or 35(2).
- (8) An order under subsection (7) may vary or revoke an order made by the Welsh Ministers under section 34(4) or 35(2), or an order previously made under subsection (7).
- (9) The Secretary of State may by order vary or revoke any permit scheme which for the time being has effect by virtue of an order made by the Secretary of State under section 35(2).
- (10) An order under subsection (9) may vary or revoke an order made by the Secretary of State under section 35(2), or an order previously made under subsection (9).
- (11) An order under subsection (7) or (9) may relate to one or more permit schemes.

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- (12) An order under this section may (in accordance with permit regulations) include provisions which disapply or modify enactments to the extent specified in the order.”
- 9 (1) Section 37 (permit regulations) is amended as follows.
- (2) In subsection (1)—
- (a) for “appropriate national authority” substitute “Secretary of State”;
 - (b) omit “submission, approval.”;
 - (c) at the end insert “prepared by local highway authorities in England or strategic highways companies under section 33(1) or (2) or by the Secretary of State under section 33(3) or (4)”.
- (3) After subsection (1) insert—
- “(1A) The Welsh Ministers may by regulations (“permit regulations”) make provision with respect to the content, preparation, submission, approval, operation, variation or revocation of permit schemes prepared by local highway authorities in Wales under section 33(1A) or (2A) or by the Welsh Ministers under section 33(3).”
- (4) After subsection (3) insert—
- “(3A) Permit regulations made by the Secretary of State may impose requirements for the purpose of securing that permit schemes are kept under review.”
- 10 (1) Section 39 (interpretation of Part 3) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b) of the definition of “the appropriate national authority”, for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (b) at the appropriate place insert—

““strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015;”.
- (3) In subsection (3), after “power” insert “of the Secretary of State or the Welsh Ministers”.
- (4) After subsection (5) insert—
- “(6) A statutory instrument containing regulations under this Part made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- 11 (1) This paragraph applies to a permit scheme prepared by a local highway authority in England or a strategic highways company which, by virtue of an order made by the Secretary of State under section 34(4) of the Traffic Management Act 2004, has effect immediately before the date on which paragraphs 4 to 10 come into force.
- (2) On and after that date, the scheme is to be treated as if it had effect by virtue of an order made by the local highway authority or a strategic highways company under section 33A(2) of that Act.
- 12 In consequence of the amendments made by paragraph 5, in the Infrastructure Act 2015, in Schedule 1, omit paragraph 148.

PART 3

ROAD HUMPS

- 13 The Highways Act 1980 is amended as follows.
- 14 In section 90A (construction of road humps by highway authority), in subsection (1) (b), for “the Secretary of State” substitute “the appropriate national authority”.
- 15 (1) Section 90B (additional powers of Secretary of State and Welsh Ministers) is amended as follows.
- (2) In subsection (1)—
- (a) in the opening words, for “Secretary of State” substitute “Welsh Ministers”;
 - (b) in the opening words, for “he is” substitute “they are”;
 - (c) in paragraph (b), for “him” substitute “them”;
 - (d) in the closing words, for “him” substitute “them”.
- (3) After subsection (1) insert—
- “(1A) Subsection (1) does not apply in relation to the following parts of Wales—
- (a) the part of road to which section 329(5) applies;
 - (b) the part of the M4 Motorway in Wales that comprises “the new toll plaza area” and “the new bridge”, as defined in section 39(1) of the Severn Bridges Act 1992.”
- (4) In subsection (3)—
- (a) for “Secretary of State”, in the first place those words occur, substitute “Welsh Ministers”;
 - (b) for “Secretary of State has” substitute “Welsh Ministers have”.
- (5) In subsection (4), for “Secretary of State” substitute “Welsh Ministers”.
- (6) In subsection (5), for “Secretary of State so directs” substitute “Welsh Ministers so direct”.
- (7) In subsection (6)—
- (a) for “Secretary of State” substitute “Welsh Ministers”;
 - (b) for “his” substitute “their”.
- (8) In the heading, for “Secretary of State” substitute “Welsh Ministers”.
- 16 (1) Section 90C (road humps: consultation and local inquiries) is amended as follows.
- (2) In subsection (1)—
- (a) for the words from “Where the Secretary of State” to “he, it or they” substitute “Where a highway authority proposes to construct a road hump under section 90A, or the Welsh Ministers propose to construct a road hump under section 90B, the highway authority or the Welsh Ministers (as the case may be)”;
 - (b) omit paragraph (a) and the “and” following it;
 - (c) in paragraph (b)—
 - (i) omit “other”;
 - (ii) for “the Secretary of State” substitute “the appropriate national authority”.

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- (3) For subsection (2) substitute—
- “(2) The highway authority or the Welsh Ministers (as the case may be) shall also comply with such requirements as may be specified in regulations made by the appropriate national authority in relation to—
- (a) the publication of—
- (i) details of proposals to construct road humps, and
- (ii) procedures for making objections to such proposals, and
- (b) procedures for dealing with such objections.
- (2A) Regulations under subsection (2)(b) may, in particular, contain provision about—
- (a) local inquiries in relation to proposals to construct road humps, and
- (b) the application of subsections (2) to (5) of section 250 of the Local Government Act 1972 in relation to such inquiries, subject to such modifications as may be specified in the regulations.”
- (4) Omit subsections (3) to (5).
- (5) In subsection (6)—
- (a) for “the Secretary of State” substitute “the appropriate national authority”;
- (b) for “he” substitute “it”.
- 17 (1) Section 90D (regulations concerning construction and maintenance of road humps) is amended as follows.
- (2) In subsection (1)—
- (a) for “The Secretary of State” substitute “The appropriate national authority”;
- (b) for “him” substitute “the appropriate national authority”.
- (3) In subsection (3)—
- (a) for “the Secretary of State” substitute “the appropriate national authority”;
- (b) for “he” substitute “it”.
- (4) In subsection (4)—
- (a) for “the Secretary of State” substitute “the appropriate national authority”;
- (b) for “him” substitute “the appropriate national authority”.
- 18 (1) Section 90E (status of road humps) is amended as follows.
- (2) In subsection (1B)(a), for “the Secretary of State” substitute “the appropriate national authority”.
- (3) In subsection (2), in paragraph (a), for “the Secretary of State” substitute “the appropriate national authority”.
- 19 In section 90F (meaning of “road hump” and interpretation of sections 90A to 90E), in subsection (2), after “In sections 90A to 90E above—” insert—
- ““the appropriate national authority” means—
- (a) the Secretary of State, in relation to England and in relation to the following parts of Wales—
- (i) the part of road to which section 329(5) applies;

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- (ii) the part of the M4 Motorway in Wales that comprises “the new toll plaza area” and “the new bridge”, as defined in section 39(1) of the Severn Bridges Act 1992;
- (b) the Welsh Ministers, in relation to Wales other than the parts mentioned in paragraph (a)(i) and (ii);”.

20 After section 90F insert—

“90FA Regulations under sections 90C and 90D

- (1) Regulations under section 90C or 90D are to be made by statutory instrument.
 - (2) Regulations under section 90C or 90D may—
 - (a) include incidental, supplementary, consequential or transitional provision or savings;
 - (b) make different provision for different purposes.
 - (3) A statutory instrument containing regulations made by the Secretary of State under section 90C or 90D is subject to annulment in pursuance of a resolution of either House of Parliament.
 - (4) A statutory instrument containing regulations made by the Welsh Ministers under section 90C or 90D is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- 21 In section 325 (provisions as to regulations, schemes and orders), after subsection (2A) insert—
- “(2B) This section does not apply to regulations under section 90C or 90D (see section 90FA for provision about such regulations).”
- 22 In consequence of the amendments made by paragraph 16, in the Infrastructure Act 2015, in Schedule 1, omit paragraph 26.

PART 4

PEDESTRIAN CROSSINGS: REMOVAL OF REQUIREMENT TO INFORM SECRETARY OF STATE

- 23 In section 23(2) of the Road Traffic Regulation Act 1984—
- (a) omit paragraph (c) (which requires that the Secretary of State or, in relation to Wales, the Welsh Ministers be informed in writing before certain pedestrian crossings are established or removed etc);
 - (b) omit the “and” before that paragraph.

PART 5

OFF-ROAD MOTORING EVENTS

- 24 In section 13A(1) of the Road Traffic Act 1988 (list of motoring offences which do not apply for authorised off-road motoring events), after “2” insert “, 2B”.

PART 6

TESTING OF VEHICLES

- 25 In section 52 of the Road Traffic Act 1988 (supplementary provisions about tests etc of goods vehicles), in subsection (2) (which confers power on the Secretary of State to provide and maintain stations and apparatus for the carrying out of examinations of certain goods vehicles), for the words from “provide and maintain” to the end of the subsection substitute “—
- (a) provide and maintain stations where examinations of goods vehicles under regulations under section 49 or under section 50 of this Act may be carried out,
 - (b) designate premises as stations where such examinations may be carried out, and
 - (c) provide and maintain apparatus for the carrying out of such examinations.”
- 26 (1) Section 46 of that Act (provision which may be included in regulations under section 45 of that Act about tests of the condition of vehicles other than certain goods vehicles) is amended as follows.
- (2) In subsection (1), after paragraph (j) insert—
- “(ja) the charges to be paid to the Secretary of State by persons occupying premises designated under section 8(3)(b) of the Public Passenger Vehicles Act 1981 as stations where inspections of public service vehicles may be carried out where the charges are in connection with—
- (i) the provision by the Secretary of State of vehicle examiners to examine public service vehicles on the premises,
 - (ii) the issue of test certificates or notifications of the refusal of test certificates in respect of examinations of public service vehicles carried out on the premises,
 - (iii) the issue of duplicates or copies of test certificates issued in respect of such examinations, and
 - (iv) the correction of errors in test certificates so issued.”.
- (3) In that subsection, omit the “and” at the end of paragraph (k) and insert—
- “(ka) the keeping by persons mentioned in paragraph (ja) of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed.”.
- (4) In that subsection, after paragraph (l) insert “, and
- (m) the keeping of records by persons mentioned in paragraph (ja) and the providing by them of returns and information to the Secretary of State.”
- (5) In subsection (4), after “subsection (1)(j)” insert “or (ja)”.
- 27 (1) Section 51 of that Act (particular aspects of regulations under section 49 of that Act dealing with the testing of certain goods vehicles etc) is amended as follows.
- (2) In subsection (1), after paragraph (k) insert—

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- “(ka) make provision as to the charges to be paid to the Secretary of State by persons occupying premises designated under section 52(2)(b) as stations where examinations of goods vehicles may be carried out where the charges are in connection with—
- (i) the provision by the Secretary of State of vehicle examiners to examine goods vehicles on the premises,
 - (ii) the issue of test certificates or notifications of the refusal of test certificates in respect of examinations of goods vehicles carried out on the premises,
 - (iii) the issue of duplicates or copies of test certificates issued in respect of such examinations, and
 - (iv) the correction of errors in test certificates so issued.”.

(3) In that subsection, after paragraph (ka) (as inserted by sub-paragraph (2)) insert—

- “(kb) make provision as to the keeping by persons mentioned in paragraph (ka) of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed,
- (kc) make provision as to the keeping of records by persons mentioned in paragraph (ka) and the providing by them of returns and information to the Secretary of State.”.

(4) After subsection (1) insert—

- “(1A) The provision which may be made by virtue of subsection (1)(ka) above includes provision requiring—
- (a) the making to the Secretary of State at prescribed times of payments, of such amounts as may be determined by him in accordance with regulations, on account of charges that may become payable, and
 - (b) where forms for test certificates and notifications of the refusal of test certificates are supplied by the Secretary of State, the payment to him of charges for the supply of such forms,
- and for the repayment, in prescribed circumstances, of such payments received by the Secretary of State.”

PART 7

RAIL VEHICLE ACCESSIBILITY REGULATIONS: EXEMPTION ORDERS

28 The Equality Act 2010 is amended as follows.

29 (1) Section 183 (exemptions from rail vehicle accessibility regulations) is amended as follows.

(2) Omit subsection (3) (power to make regulations as to exemption orders: applications etc).

(3) After subsection (6) insert—

- “(7) Section 207(2) does not require an exemption order to be made by statutory instrument; but such an order is as capable of being amended or revoked as an order made by statutory instrument.”

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

- 30 In consequence of paragraph 29—
- (a) omit section 184 (procedure for making exemption orders);
 - (b) in section 185 (annual report on exemption orders)—
 - (i) omit subsection (1)(b);
 - (ii) in subsection (2)(b), for “sections 183(4) and 184(2)” substitute “section 183(4)”;
 - (c) in section 208 (Ministers of the Crown, etc)—
 - (i) omit subsection (5)(g);
 - (ii) omit subsection (7)(a).
- 31 (1) This paragraph applies to an exemption order made by statutory instrument under section 183(1) of the Equality Act 2010, or treated as so made, before the date on which paragraph 29(3) comes into force.
- (2) The order is to be treated as having been made otherwise than by statutory instrument; but is to be as capable of being amended or revoked as an order made by statutory instrument.