



Road Traffic Act 1960

1960 CHAPTER 16

PART I

GENERAL PROVISIONS RELATING TO ROAD TRAFFIC

Traffic Regulation in special Cases

36 Temporary prohibition or restriction of traffic on roads

- (1) Subject to the provisions of this section, if a highway authority are satisfied that traffic on a road for the maintenance of which they are responsible should, by reason of any works' being executed or proposed to be executed on or near the road, be restricted or prohibited, they may by order restrict or prohibit the use of that road or of any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as they may consider necessary.

A highway authority, when considering the question of the making of an order under this subsection, shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order.

- (2) A highway authority may at any time by notice restrict or prohibit temporarily the use of a road or any part of a road by vehicles or by vehicles of any particular class or description where, owing to the likelihood of danger to the public or of serious damage to the highway, it appears to them necessary that such restriction or prohibition should come into force without delay.
- (3) The provision which may be made by any such order or notice as aforesaid shall be any such provision as is mentioned in subsection (3) of section twenty-six of this Act.
- (4) Where an order under subsection (1) or a notice under subsection (2) of this section is made or issued by a highway authority, any such provision as is specified in paragraph (a), (b) or (c) of subsection (3) of section twenty-six of this Act may be made, as respects any alternative road,—
- (a) where that authority is the highway authority for the alternative road, by order made by them;

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- (b) where that authority is not the highway authority therefor, by order made,—
 - (i) where the alternative road is other than a trunk road, by that authority, with the consent of the highway authority for the alternative road;
 - (ii) where the alternative road is a trunk road, by the appropriate Minister on the application of that authority;

and subsections (4) and (5) of the said section twenty-six shall apply to an order under this subsection as they apply to an order under that section.

Any power conferred by this subsection to make an order shall include power to vary or revoke it.

- (5) An order made or notice issued under the foregoing provisions of this section may suspend any statutory provision of a description which could have been contained in the order or notice or, in the case of an order under the last foregoing subsection, any statutory provision prohibiting the use of roads by through traffic, and any such provision (other than one contained in the order or notice) shall have effect subject to the order or notice.
- (6) An order under subsection (1) or subsection (4) of this section, not being an order made by a Minister, shall not without the approval of the appropriate Minister continue in force for a longer period than six weeks from the making thereof; and where the appropriate Minister has refused to approve the continuing in force of an order made under the said subsection (1) then except with the approval of the appropriate Minister no subsequent order shall be made under that subsection as respects any length of road to which the previous order related unless at least three months have expired from the time when the previous order ceased to have effect
- (7) A notice issued under subsection (2) of this section shall not continue in force for a longer period than fourteen days from the date thereof.
- (8) A person who uses or permits the use of a vehicle in contravention of a restriction or prohibition imposed under this section shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.
- (9) The provisions of the Sixth Schedule to this Act shall have effect as to the notification of the exercise or proposed exercise of the powers conferred by this section and otherwise in relation thereto; and in that Schedule " the principal section " means this section.
- (10) In this section "alternative road", in relation to a road as respects which an order under subsection (1) or notice under subsection (2) of this section is made or issued, means a road providing an alternative route for traffic diverted from the first-mentioned road or from any other alternative road, or capable of providing such an alternative route apart from any statutory provision authorised by the foregoing provisions of this section to be suspended by an order under subsection (4) of this section.
- (11) The powers conferred by this section on the appropriate Minister to make orders shall be exercisable by statutory instrument.

37 Traffic regulation on special roads

- (1) A special road shall not be used, except as provided by or under regulations made under the next following subsection, by any traffic other than traffic of a class authorised in that behalf by a scheme under section one of the Special Roads Act,

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- 1949, or section eleven of the Highways Act, 1959 (or, if the road is one to which the last-mentioned Act applies by virtue of section nineteen thereof, by any traffic other than traffic of a class for the time being authorised by virtue of that section).
- (2) The appropriate Minister may make regulations with respect to the use of special roads, and such regulations may, in particular,—
- (a) regulate the manner in which and the conditions subject to which special roads may be used by traffic of the class authorised in that behalf by such a scheme as is mentioned in subsection (1) of this section or, as the case may be, by virtue of the said section nineteen;
 - (b) authorise, or enable such authority as may be specified in the regulations to authorise, the use of special roads, on occasion or in emergency or for the purpose of crossing, or for the purpose of securing access to premises abutting on or adjacent to the roads, by traffic other than such traffic as aforesaid, or relax or enable any such authority as aforesaid to relax any prohibition or restriction imposed by the regulations.
- (3) Regulations made under the last foregoing subsection may make provision with respect to special roads generally, or may make different provision with respect to special roads provided for the use of different classes of traffic, or may make provision with respect to any particular special road.
- (4) If a person uses a special road in contravention of this section or of regulations under subsection (2) thereof he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (5) The provisions of this section, and of any regulations made under subsection (2) thereof, shall not apply to any part of a special road until such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under subsection (5) of section twenty of this Act, to be the date on which it is open for use as a special road; but nothing in this subsection shall be construed as preventing the making of regulations under subsection (2) of this section so as to come into force, in relation to any such road, on the said date.
- (6) In this section "use", in relation to a road, includes crossing.

38 One-way traffic on trunk roads

- (1) Without prejudice to the powers of the appropriate Minister under section twenty-six of this Act, where he proposes to make an order under section one of the Trunk Roads Act, 1946, or section seven of the Highways Act, 1959, directing that a road shall become a trunk road and considers it expedient that that road, when it becomes a trunk road, should be used only for traffic passing in one direction, and that any other road, being a trunk road or a road which is to become a trunk road by virtue of the order, should be used only for traffic passing in the other direction, the order under the said section one or the said section seven, as the case may be, may make provision for restricting the use of those roads accordingly as from such date as may be specified in that behalf in the order.
- (2) A person who uses a vehicle or causes or permits a vehicle to be used in contravention of any provision made by virtue of the foregoing subsection shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

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39 Regulation of use of highways by public service vehicles

- (1) Subject to the next following subsection, a local authority may make orders for determining the highways which may or may not be used by public service vehicles in the area or in any part of the area of the authority and for fixing thereon stands for public service vehicles and as to the places at which such vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers and as to the manner of using such stands and places.
- (2) No order shall be made under this section as respects the London Traffic Area.
- (3) Where a local authority propose to make an order under subsection (1) of this section, they shall cause notice of the proposal to be published in at least one newspaper circulating within their area, and every such notice shall specify the nature of the proposal and state that a copy of the draft order is open to inspection at a specified place, and specify the period, which shall not be less than twenty-eight days, within which any persons affected by the proposed order may send to the Minister and the local authority objections in writing.
- (4) An order made under subsection (1) of this section shall be of no effect unless and until it is confirmed by the Minister, and the Minister before confirming any such order shall consider any objections sent as aforesaid and shall consult with the traffic commissioners for the traffic area in which the area or any part of the area of the local authority is situate.
- (5) The Minister may confirm an order made under subsection (1) of this section either without modification or subject to such modifications as he thinks fit, or may refuse to confirm the order.
- (6) An order made and confirmed under subsection (1) of this section unless previously revoked shall remain in operation for three years, but may be renewed from time to time for a like period, and may at any time be altered or revoked by an order made in like manner and subject to the like provisions as the original order.
- (7) The confirmation of an order under subsection (1) of this section shall be evidence that the requirements of this section have been complied with.
- (8) In this section " local authority "—
 - (a) as respects England and Wales, means as regards a county borough or a non-county borough or urban district having a population according to the last census for the time being of over twenty thousand, and any other non-county borough or urban district or any rural district the council of which the Minister may by order declare to be a local authority for the purposes of this section, the council of the borough or district, and as regards any other area the council of the county;
 - (b) as respects Scotland, means in a burgh the magistrates thereof and in a county the council thereof.

40 Prohibition or restriction of use of vehicles on roads of certain classes

- (1) The appropriate Minister may by order prohibit or restrict, subject to such exceptions and conditions as to occasional user or access to premises or otherwise as may be specified in the order, the driving of vehicles on all roads of any such class as may be specified in the order, if he is satisfied that it is desirable that such an order should be made, and may by order revoke, vary, amend or add to the provisions of such an

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order; but no order under this section shall have effect as respects any part of a special road on or after such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under subsection (5) of section twenty of this Act, to be the date on which it is open for use as a special road.

- (2) A prohibition or restriction under this section may be imposed either generally, or in relation to any class or description of vehicle, or to the use of vehicles for any purpose, or to the weight of vehicles, whether laden or unladen.
- (3) For the purposes of this section the appropriate Minister may classify roads in any manner he thinks fit having regard to their character or situation, or the nature of the traffic to which they are suited, and may determine in what class any particular road shall be included.
- (4) The powers conferred by this section to make, revoke, vary, amend and add to orders shall be exercisable by statutory instrument, and a statutory instrument by which those powers are exercised shall not have effect unless and until it has been approved by a resolution of each House of Parliament.
- (5) A person who drives a vehicle, or causes or permits a vehicle to be driven, in contravention of an order under this section shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

41 Restriction of use of heavy vehicles on weak bridges

- (1) Where the bridge authority of a bridge over which a road passes is satisfied that the bridge is insufficient to carry vehicles of which the weights or axle weights, as hereinafter defined, exceed certain limits, the authority may by a conspicuous notice in the prescribed form placed in a proper position at each end of the bridge, prohibit the use of the bridge either—
 - (a) by any vehicle of which the weight exceeds a maximum weight specified in the notice, not being less than five tons; or
 - (b) by any vehicle of which—
 - (i) the weight exceeds a maximum weight so specified, not being less than five tons, or
 - (ii) any axle weight exceeds a maximum axle weight so specified, not being less than three tons,and any such notice may, as regards both weight of vehicle and axle weight, specify different maximum weights in relation to a vehicle travelling at a speed less than a speed specified in the notice, and in relation to a vehicle travelling at that speed or a greater speed.
- (2) The highway authority for a road leading to a bridge shall give to the bridge authority reasonable facilities for placing on the road any such notice as aforesaid and, if the highway authority so require, the bridge authority shall erect warning notices in the prescribed form at the principal junctions of roads leading to the bridge.
- (3) Before placing a restriction or prohibition under this section on the use of a bridge, other than one carrying a trunk road and repairable by the appropriate Minister, the bridge authority shall give to the appropriate Minister twenty-eight days' notice of their intention so to do with particulars of the restriction or prohibition, and the appropriate Minister shall cause a list to be kept of all restrictions or prohibitions which have been

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placed on the use of bridges under this section and the list shall be open to inspection by any person.

- (4) For the purposes of this section—
- (a) " weight " means weight laden ;
 - (b) the weight transmitted by a vehicle to any transverse strip of the road surface five feet in breadth shall be taken as being an " axle weight" of that vehicle and, for the purposes of this paragraph, a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle; and
 - (c) " placed in a proper position " means placed in such a position either on or near the bridge, or on or near the road leading to the bridge, as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it;
 - (d) " prescribed " means prescribed by regulations made by the appropriate Minister.
- (5) If, without the consent of the bridge authority, a vehicle is driven across a bridge in contravention of a notice so placed as aforesaid, any person who so drives it, or causes or permits it to be so driven, shall, without prejudice to any civil liability incurred by him in the case of damage's being caused to the bridge, be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.
- If in any proceedings under this subsection the prosecutor satisfies the court that there are reasonable grounds for believing that the weight of the vehicle exceeded the maximum weight specified in the notice, or that any axle weight of the vehicle exceeded the maximum axle weight so specified, it shall lie on the defendant to prove that the weight of the vehicle or every axle weight of the vehicle, as the case may be, did not exceed such maximum weight or maximum axle weight.
- (6) Any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this section, and any highway authority in whose area the bridge is situate, may at any time apply to the appropriate Minister for an order modifying or removing the restriction or prohibition.
- (7) On receiving any such application as aforesaid or, in the case of a bridge carrying a trunk road, on his own initiative, the appropriate Minister may cause the bridge to be inspected, and may require the bridge authority to give to his inspector such information as to its structure and condition, and such other facilities for his investigation of the circumstances as the bridge authority may be able to give and, after considering the report of his inspector and any representations made to him by the bridge authority, may, if he thinks proper, make by statutory instrument an order modifying or removing the restriction or prohibition, or imposing different restrictions, and the bridge authority shall, within such time as may be specified in the order, cause notices to be erected complying with the order and, if the bridge authority fail to do so, the appropriate Minister may cause the notice complained of to be removed or varied, or new notices to be erected so as to comply with his order; and the expenses incurred by him in so doing shall be recoverable by him from the bridge authority and, in England or Wales, shall be so recoverable summarily as a civil debt.
- (8) Where any such inspection and investigation is held, the appropriate Minister may make such order as to the payment of the costs incurred by him in connection therewith (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged thereon) by such party thereto as he thinks fit, and the appropriate Minister may certify the amount of the costs so incurred and any

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amount so certified and directed by the appropriate Minister to be paid by any person shall be recoverable from him, and shall be so recoverable, in England or Wales either as a debt due to the Crown or by the Minister summarily as a civil debt, and in Scotland by the Secretary of State.

For the purposes of this subsection the applicants and the bridge authority shall be treated as parties to the inspection and investigation.

- (9) The appropriate Minister may at any time on an application made to him by the bridge authority, or on his own initiative, by order made by statutory instrument vary or revoke any order made by him under subsection (7) of this section, if he is satisfied that it is proper so to do.

42 Power of highway and bridge authorities to authorise carriage of excess weights on roads and bridges

- (1) A highway authority as regards any road for the maintenance of which they are responsible, and a bridge authority as regards any bridge for the maintenance of which they are responsible, may, subject to such conditions as they think fit, grant a permit in respect of any trailer specified in the permit drawn by a heavy locomotive or a light locomotive on the road or bridge to carry weights specified in the permit notwithstanding that when conveying such weights the trailer does not comply with any regulations made by the Minister under the following provisions of this Part of this Act as to the weight laden of trailers or as to the maximum weight which may be transmitted to the road or any part thereof by trailers, and where such a permit is given it shall not, so long as the conditions, if any, attached to the permit are complied with, be an offence in the case of any such trailer to carry on that road or bridge weights authorised by the permit by reason only that the trailer when conveying them does not comply with such regulations as aforesaid:

Provided that, where a highway authority are responsible for the maintenance of a road passing over a bridge but not for the maintenance of the bridge itself, the power conferred by this section shall be exercisable by the bridge authority and not by the highway authority.

- (2) In this section " highway authority " includes any person responsible for the maintenance of a road.

43 Removal of vehicles illegally, obstructively or dangerously parked, abandoned, or broken down

- (1) The appropriate Minister may by regulations make provision for the removal from roads, and safe custody, or for the moving from one position on a road to another position on that or another road, of, and of the loads carried by, vehicles which have been permitted to remain at rest on a road—
- (a) in contravention of any statutory prohibition or restriction, or
 - (b) in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such other persons, or
 - (c) in such a position or in such condition or in such circumstances as to appear to have been abandoned,
- or which have broken down.

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- (2) Regulations under this section may provide for repealing byelaws dealing with the same subject matter as the regulations, and for suspending, while the regulations remain in force, any power of making such byelaws.
- (3) Expenses payable out of a police fund reasonably incurred in the execution of duties imposed by regulations under this section shall be recoverable by or on behalf of the chief officer of police from the owner of the vehicle, and in England or Wales shall be so recoverable summarily as a civil debt, and sums so recovered shall be paid into the police fund.

In this subsection " police fund " has the same meaning as in the Police Pensions Act, 1921.

- (4) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.