



# Road Traffic Act 1960

## 1960 CHAPTER 16

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *Penalisation of taking motor Vehicle without Authority*

#### **217 Penalisation of taking motor vehicle without authority**

- (1) A person who takes and drives away a motor vehicle without having either the consent of the owner thereof or other lawful authority shall (subject to the next following subsection) be liable—
  - (a) on conviction on indictment, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment;
  - (b) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (2) If on proceedings under this section on indictment the jury, or on summary proceedings under this section the court, are satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked therefor, the accused shall not be liable to be convicted of the offence.
- (3) If on the trial of an indictment for stealing a motor vehicle the jury are of the opinion that the defendant was not guilty of stealing the motor vehicle but was guilty of an offence under this section, the jury may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.
- (4) A police constable may arrest without warrant a person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

*Ancillary Provisions for preventing, or mitigating Effects of, Accidents*

**218 Penalisations of tampering with motor vehicles**

If, while a motor vehicle is on a road or on a parking place provided by a local authority, a person otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers with the brake or other part of its mechanism, 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.

**219 Penalisations of holding or getting on to vehicle in order to be towed or carried**

If a person otherwise than with lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion on a road, for the purpose of being drawn or carried, he 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.

**220 Control of dogs on roads**

- (1) A person who causes or permits a dog to be on a designated road without the dog being held on a lead shall be liable on summary conviction to a fine not exceeding five pounds.
- (2) In this section "designated road" means a length of road specified by an order in that behalf of the local authority in whose area the length of road is situated.
- (3) An order under this section may provide that subsection (1) thereof shall apply subject to such limitations or exceptions as may be specified in the order, and (without prejudice to the generality of this subsection) the said subsection (1) shall not apply to dogs proved to be kept for driving or tending sheep or cattle in the course of a trade or business, or to have been at the material time in use under proper control for sporting purposes.
- (4) An order under this section shall not be made except after consultation with the chief officer of police, and shall not have effect unless confirmed by the appropriate Minister; and subsections (3) to (8) of section two hundred and fifty of the Local Government Act, 1933, or in Scotland subsections (4), (5), (7) and (II) to (13) of section three hundred and one of the Local Government (Scotland) Act, 1947, shall apply to orders under this section and the confirmation thereof as they apply to byelaws and the confirmation thereof.
- (5) In England or Wales a local authority may institute proceedings for an offence under this section relating to a road in their area.
- (6) In this section "local authority" means the council of a county borough or county district, the Common Council of the City of London or the council of a metropolitan borough, or in Scotland a county council or a town council.
- (7) The power conferred by this section to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke it.

## **221 Protective helmets for motor cyclists**

- (1) The Minister may make regulations prescribing (by reference to shape, construction or any other quality) types of helmet recommended as affording protection to persons on or in motor cycles, or motor cycles of different classes or descriptions, from injury in the event of accident.
- (2) If a person sells, or offers for sale, a helmet as a helmet for affording protection as aforesaid, and the helmet is neither—
  - (a) of a type prescribed under this section, nor
  - (b) of a type authorised under regulations made under this section and sold or offered for sale subject to any conditions specified in the authorisation,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 or to both such fine and such imprisonment:

Provided that a person shall not be convicted of an offence under this section in respect of the sale or offer for sale of a helmet if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.
- (3) In England or Wales the council of a county, of a borough or of an urban district or the Common Council of the City of London may institute proceedings for an offence under this section.
- (4) The provisions of the Sixteenth Schedule to this Act shall have effect in relation to contraventions of this section.
- (5) In this section and in the said Schedule "helmet" includes any head-dress, and references in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

## **222 Control of driving over Menai bridge**

- (1) A motor vehicle shall not be driven on or over the Menai bridge except in accordance with and subject to any restrictions contained in regulations made by the Minister.
- (2) Different regulations may be made under this section as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.
- (3) A person who acts in contravention of subsection (1) of this section 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.

### *Power of Police to stop Vehicles, and Weighing of Vehicles*

## **223 Power of police to stop vehicles**

A person driving a motor vehicle on a road and a person riding on a road a bicycle or tricycle, not being a motor vehicle, shall stop the same on being so required by a police constable in uniform, and if he fails so to do shall be liable on summary conviction to a fine not exceeding five pounds.

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## **224 Weighing of motor vehicles**

- (1) Subject to any regulations made by the appropriate Minister, it shall be lawful for a person authorised by a highway authority, or for a police constable authorised on behalf of a highway authority by a police authority or a chief officer of police, on production of his authority, to require the person in charge of a motor vehicle to allow the vehicle or any trailer drawn thereby to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles; and if a person in charge of a motor vehicle refuses or neglects to comply with any such requirement, 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:

Provided that it shall not be lawful for a person or police constable so authorised to require the person in charge of the motor vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of its being weighed unladen.

- (2) If at the time when the requirement is made the vehicle is more than one mile from the weighbridge or other machine, and the weight is found to be within the limits authorised by law the highway authority on whose behalf the requirement is made shall pay, in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator agreed upon by the parties, or in default of agreement appointed by the Minister or, where the requirement is made in Scotland, by the Secretary of State.
- (3) Where a motor vehicle or trailer is weighed under this section, a certificate of weight shall be given to the person in charge of the vehicle, and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.
- (4) A certifying officer appointed under Part III of this Act or an examiner appointed under Part IV thereof may at any time, on production of his authority, exercise with respect to the weighing of goods vehicles (within the meaning of the said Part IV) all such powers as are under the foregoing provisions of this section exercisable by a police constable authorised as therein mentioned with respect to the weighing of motor vehicles and trailers, and the said provisions shall apply accordingly with the substitution, in subsection (2), for references to the highway authority on whose behalf the requirement is made, the Minister and the Secretary of State, of references respectively to the Minister, the Lord Chief Justice of England and the Lord President of the Court of Session.
- (5) In the application of this section to England and Wales " police authority" has the same meaning as in the Police Pensions Act, 1921, and in the application of this section to Scotland that expression has the same meaning as in the Police (Scotland) Act, 1956.

### *Production of Documents and Furnishing of Information*

## **225 Power of police constables to require production of driving licences**

- (1) Any such person as follows, that is to say,—
- (a) a person driving a motor vehicle on a road, or

- (b) a person whom a police constable has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road, or
- (c) a person whom a police constable has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road, or
- (d) a person who accompanies the holder of a provisional licence granted under section one hundred and two of this Act while the holder is driving a motor vehicle on a road or whom a police constable has reasonable cause to believe to have accompanied the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road,

shall, on being so required by a police constable, produce for examination his licence to drive a motor vehicle granted under Part II of this Act, so as to enable the constable to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which it was issued.

- (2) Where a licence to drive a motor vehicle granted under Part II of this Act has been revoked by a licensing authority under subsection (6) of section one hundred thereof then if the holder of the licence fails to deliver it to that authority for cancellation as required by that subsection a police constable may require him to produce it, and upon its being produced may seize it and deliver it for cancellation to the licensing authority who revoked it.
- (3) Where a police constable has reasonable cause to believe that the person to whom a licence to drive a motor vehicle has been granted under Part II of this Act, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the licence the constable may require the holder of the licence to produce it to him.
- (4) If a person required under the foregoing provisions of this section to produce a licence to a police constable fails to do so he shall be liable on summary conviction to a fine not exceeding five pounds:

Provided that if within five days after the production of his licence was so required he produces the licence in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this subsection.

## **226 Power of police constables to obtain names and addresses of drivers, and others, and to require production of evidence of insurance or security and test certificates**

- (1) Any such person as follows, that is to say,—
  - (a) a person driving on a road a motor vehicle (other than an invalid carriage);
  - (b) a person whom a police constable has reasonable cause to believe to have been the driver of a motor vehicle (other than an invalid carriage) at a time when an accident occurred owing to its presence on a road; or
  - (c) a person whom a police constable has reasonable cause to believe to have committed an offence in relation to the use on a road of a motor vehicle (other than an invalid carriage),

shall, on being so required by a police constable, give his name and address and the name and address of the owner of the vehicle and produce for examination—

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- (i) the relevant certificate of insurance or certificate of security within the meaning of Part VI of this Act, or such other evidence that the vehicle is not or was not being driven in contravention of section two hundred and one thereof as may be prescribed by regulations made by the Minister, and
- (ii) in relation to a vehicle to which section sixty-six of this Act applies, a test certificate issued in respect thereof as mentioned in subsection (1) of that section,

and if he fails to do so 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:

Provided that a person shall not be convicted of an offence under this subsection by reason only of failure to produce any certificate or other evidence to a constable if, within five days after the date on which the production of the certificate or other evidence was required, he produces the same in person at such police station as may have been specified by him at the time when its production was required.

- (2) A person who accompanies the holder of a provisional licence granted under section one hundred and two of this Act while the holder is driving on a road a motor vehicle (other than an invalid carriage) or whom a police constable has reasonable cause to believe to have accompanied the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road shall, on being so required by a police constable, give his name and address and the name and address of the owner of the vehicle, and if he fails to do so 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.
- (3) Where a person convicted of an offence under either of the two foregoing subsections has been previously convicted of an offence under the other of them, he shall be treated for the purposes of the subsection under which he is convicted as having been previously convicted thereunder.

## **227 Powers of certifying officers, examiners and police constables as respects goods vehicles**

- (1) A certifying officer appointed under Part III of this Act or an examiner appointed under Part IV thereof may at any time, on production if so required of his authority, require the person in charge of any goods vehicle (within the meaning of the said Part IV) to produce, and permit him to inspect and copy, any document which by or by regulations made under the said Part IV is required to be carried on, or by the driver of, the vehicle, and for that purpose may detain the vehicle for such time as is required for the inspection and copying; and if a person, when required by such a certifying officer or examiner as aforesaid so to do, fails to produce to the officer or examiner any such document as aforesaid, or to permit him to inspect or copy any such document, that person 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.
- (2) The provisions of the foregoing subsection shall apply in relation to a police constable as they apply in relation to an examiner, except that it shall not be necessary for a police constable wearing uniform to produce any authority.

- (3) A certifying officer appointed under Part III of this Act or an examiner appointed under Part IV thereof may at any time, on production if so required of his authority, exercise in the case of goods vehicles (within the meaning of the said Part IV) all such powers as are, under subsection (1) of section two hundred and twenty-five of this Act or under the last foregoing section, exercisable by a police constable.

**228 Penalties of failure to give name and address, and power of arrest, in case of reckless or careless driving or cycling**

- (1) Any such person as the following, namely—
- (a) the driver of a motor vehicle who is alleged to have committed an offence against subsection (1) of section two of this Act or subsection (1) of section three thereof; or
  - (b) the rider of a bicycle or tricycle who is alleged to have committed an offence against section nine of this Act or subsection (1) of section ten thereof;
- who refuses, on being so required by any person having reasonable ground for so requiring, to give his name or address, or gives a false name or address, 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.
- (2) A police constable may—
- (a) arrest without warrant the driver of a motor vehicle who within his view commits an offence against subsection (1) of section two of this Act or subsection (1) of section three thereof unless the driver either gives his name and address or produces for examination his licence to drive a motor vehicle granted under Part II of this Act;
  - (b) arrest without warrant the rider of a bicycle or tricycle who within his view commits an offence against section nine of this Act or subsection (1) of section ten thereof unless the rider gives his name and address.

**229 Pedestrians to give names and addresses in certain cases**

A constable may require a person committing an offence against section fifteen of this Act to give his name and address, and if that person fails to do so he shall be liable on summary conviction to a fine not exceeding five pounds.

**230 Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident**

- (1) If in a case where, owing to the presence on a road of a motor vehicle (other than an invalid carriage) an accident occurs involving personal injury to another person, the driver of the vehicle does not at the time produce to a police constable or some person who, having reasonable grounds for so doing, has required its production, such a certificate of insurance or security, or other evidence, as is mentioned in paragraph (i) of subsection (1) of section two hundred and twenty-six of this Act, the driver shall as soon as possible, and in any case within twenty-four hours of the occurrence of the accident, report the accident at a police station or to a police constable and thereupon produce such a certificate or other evidence as aforesaid, and if he fails to do so he shall (subject to the following subsection) be liable on summary conviction to a fine not

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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.

- (2) A person shall not be convicted of an offence under the foregoing subsection by reason only of a failure to produce a certificate or other evidence if, within five days after the occurrence of the accident, he produces the same in person at such police station as may be specified by him at the time when the accident was reported.

**231 Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance or security**

- (1) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by or on behalf of a chief officer of police to give for the purpose of determining whether the vehicle was or was not being driven in contravention of section two hundred and one of this Act on any occasion when the driver was required under subsection (1) of section two hundred and twenty-six of this Act or the last foregoing section to produce such a certificate of insurance or security, or other evidence, as is mentioned in paragraph (i) of the said subsection (1).
- (2) A person who fails to comply with the requirement 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 or to imprisonment for a term not exceeding three months.

**232 Duty to give information as to identity of driver, and c, in certain cases**

- (1) This section applies—
- (a) to any offence under Part I, II or III of this Act, except an offence against subsection (5) of section forty-one, subsection (4) of section sixty-seven or subsection (9) of section eighty-one (in its application to England and Wales);
  - (b) to any offence under subsection (1) of section one hundred and sixty-four or subsection (5) of section one hundred and eighty-four of this Act;
  - (c) to any offence under Part V or VI of this Act or the foregoing provisions of this Part of this Act;
  - (d) to any offence under the Road Transport Lighting Act, 1957; and
  - (e) to offences against any other enactment relating to the use of vehicles on roads.
- (2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies—
- (a) the owner of the vehicle shall give such information as to the identity of the driver as he may be required to give—
    - (i) by or on behalf of a chief officer of police, or
    - (ii) in the case of an offence against section eighty-eight of this Act, by or on behalf of a chief officer of police or, in writing, by or on behalf of the local authority for the parking place in question; and
  - (b) any other person shall if required as aforesaid give any information which it is in his power to give and may lead to the identification of the driver.

In this subsection references to the driver of a vehicle include references to the person riding a bicycle or tricycle (not being a motor vehicle).

- (3) A person who fails to comply with the requirement of paragraph (a) of the last foregoing subsection shall be guilty of an offence unless he shows to the satisfaction of



the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle or, as the case may be, the rider of the bicycle or tricycle, was, and a person who fails to comply with the requirement of paragraph (b) of that subsection shall be guilty of an offence; and a person guilty of an offence under this 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 or to imprisonment for a term not exceeding three months.

### *Forgery, false Statements, &c*

## **233 Forgery of documents, and c**

- (1) This section applies to the following documents and other things, namely,—
- (a) any licence under any Part of this Act;
  - (b) any test certificate;
  - (c) any document, plate or mark by which, in pursuance of regulations made under Part IV of this Act, a vehicle is to be identified as being an authorised vehicle within the meaning of the said Part IV;
  - (d) any document evidencing the appointment of an examiner or other officer for the purposes of Part IV of this Act;
  - (e) any certificate of insurance or certificate of security under Part VI of this Act;
  - (f) any document issued under regulations made by the Minister in pursuance of his power under paragraph (i) of subsection (1) of section two hundred and twenty-six of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security.
- (2) A person shall be guilty of an offence who, with intent to deceive,—
- (a) forges or alters, or uses or lends to, or allows to be used by, any other person, a document or other thing to which this section applies, or
  - (b) makes or has in his possession any document or other thing so closely resembling a document or other thing to which this section applies as to be calculated to deceive.

In the application of this subsection to England and Wales, " forges " means forges within the meaning of the Forgery Act, 1913.

- (3) A person guilty of an offence under the last foregoing subsection shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years ;
  - (b) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment.

## **234 Falsification of records**

A person who, with intent to deceive, alters an entry made in a record under section one hundred and eighty-six of this Act or paragraph 14 of the Twelfth Schedule thereto shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years;

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- (b) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment.

### **235 False statements and withholding material information**

- (1) A person shall be guilty of an offence who knowingly makes a false statement for the purpose—
  - (a) of obtaining the grant of a licence under any Part of this Act to himself or any other person, or the variation of any such licence ; or
  - (b) of preventing the grant or variation of any such licence; or
  - (c) of procuring the imposition of a condition or limitation in relation to any such licence.
- (2) A person shall be guilty of an offence who makes a false statement or withholds any material information for the purpose of obtaining the issue—
  - (a) of a certificate of insurance or certificate of security under Part VI of this Act; or
  - (b) of any document issued under regulations made by the Minister in pursuance of his power under paragraph (i) of subsection (1) of section two hundred and twenty-six of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security.
- (3) A person guilty of an offence under subsection (1) or subsection (2) of this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

### **236 Issue of false documents**

If a person issues any such document as is referred to in paragraph (a) or (b) of subsection (2) of the last foregoing section, or a test certificate, and the document or test certificate so issued is to his knowledge false in a material particular he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

### **237 Power to seize articles with respect to which offences under sections 233 to 236 may have been committed**

- (1) If a police constable has reasonable cause to believe that a document produced to him in pursuance of any of the foregoing provisions of this Part of this Act (other than a document produced by virtue of subsection (2) of section two hundred and twenty-seven) is a document in relation to which an offence has been committed under any of the four last foregoing sections, he may seize the document; and when a document is seized under this subsection, the person from whom it was taken shall, unless the document has been previously returned to him or he has been previously charged with an offence under any of those sections, be summoned before a magistrates' court to account for his possession of the said document and the court shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.

(2) If a police constable, a certifying officer appointed under Part III of this Act or an examiner appointed under Part IV thereof has reasonable cause to believe that a document or plate carried on a motor vehicle or by the driver thereof is a document or plate in relation to which an offence has been committed under any of the four last foregoing sections in so far as they apply—

- (a) to carriers' licences under Part IV of this Act, or
- (b) to documents or plates by which, in pursuance of regulations made under Part IV of this Act, vehicles are to be identified as being authorised vehicles within the meaning of the said Part IV, or
- (c) to documents evidencing the appointment of examiners or other officers for the purposes of Part IV of this Act, or
- (d) to records under section one hundred and eighty-six of this Act,

he may seize the document or plate ; and when a document or plate is seized under this subsection, either the driver or the owner of the vehicle shall, if the document or plate is still detained and neither of them has previously been charged with an offence in relation thereto under any of the four last foregoing sections, be summoned before a magistrates' court to account for his possession of, or the presence on the vehicle of, the said document or plate and the court shall make such order respecting the disposal of the said document or plate and award such costs as the justice of the case may

For the purposes of this subsection the power to seize shall include power to detach from a vehicle.

(3) In the application of this section to Scotland for any reference to a magistrates' court there shall be substituted a reference to the sheriff.

### **238 Personation of, or of person employed by, authorised examiner**

If a person with intent to deceive falsely represents himself to be, or to be employed by, a person authorised by the Minister for the purposes of section sixty-five of this Act he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

*Penalty for Breach of Regulations and for Aiding, Abetting, &c, Commission of Offences in Scotland*

### **239 Penalty for breach of regulations**

If a person acts in contravention of, or fails to comply with, any regulations made by the Minister or the Secretary of State under this Act (other than regulations made under section twelve, thirty-four, forty-eight, forty-nine or sixty-five thereof) and contravention thereof, or failure to comply therewith, is not made an offence under any other provision of this Act, he shall for each offence be liable on summary conviction to such maximum "penalty not exceeding a fine of twenty pounds as may be prescribed by the regulations.

### **240 Penalty for aiding, abetting, and c, commission of offences in Scotland**

(1) A person who aids, abets, counsels, procures, or incites any other person to commit an offence against the foregoing provisions of this Act (not being any of the offences

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mentioned in the next following subsection) shall be guilty of an offence, and shall be liable on conviction to the same punishment as might be imposed on conviction of the first-mentioned offence, except that a person who aids, abets, counsels, procures or incites any person employed by him to drive, or subject to his orders in driving, a motor vehicle on a road to commit such an offence as is mentioned in subsection (1) of section four of this Act shall be liable to a fine not exceeding fifty pounds, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

- (2) The offences referred to in the foregoing subsection are offences under the following provisions of this Act, namely, section one, subsection (2) of section six, subsection (1) of section twelve, section fifteen, section seventeen, section thirty-seven, subsection (5) of section forty, subsection (5) of section forty-one, subsection (2) of section forty-eight, subsection (6) of section forty-nine, subsection (1) of section sixty-six, subsection (4) of section sixty-seven, section eighty-eight, subsection (2) of section one hundred and forty-eight, Part IV, subsection (1) of section two hundred and twenty, subsection (2) of section two hundred and twenty-one, section two hundred and twenty-seven, section two hundred and twenty-nine, section two hundred and thirty-four and section two hundred and thirty-eight, an offence under subsection (4) of section two hundred and twenty-five consisting in a contravention of subsection (2) or (3) of that section, an offence under subsection (2) of section two hundred and thirty-three in connection with a licence under Part IV of this Act or in connection with a document or other thing referred to in paragraph (c) or (d) of subsection (1) of that section, and an offence under subsection (1) of section two hundred and thirty-five in connection with a licence under Part IV of this Act.
- (3) This section shall extend only to Scotland and is without prejudice to the application of section thirty-one of the Criminal Justice (Scotland) Act, 1949, to the provisions referred to in the last foregoing subsection or to the subsequent provisions of this Act.

#### *Legal Proceedings and Destination of Fines*

### **241 Restrictions on prosecutions for certain offences**

- (1) This section applies to offences against any of the following provisions of this Act, namely,—
- (a) subsection (1) of section two,
  - (b) subsection (1) of section three,
  - (c) section nine,
  - (d) subsection (1) of section ten,
  - (e) subsection (1) of section fourteen,
  - (f) section sixteen,
  - (g) subsection (1) of section nineteen, and
  - (h) subsection (1) of section twenty-four.
- (2) Subject to the following provisions of this section, where a person is prosecuted for an offence to which this section applies he shall not be convicted unless either—
- (a) he was warned at the time the offence was committed that the question of prosecuting him for some one or other of the offences to which this section applies would be taken into consideration; or

- (b) within fourteen days of the commission of the offence a summons (or, in Scotland, a complaint) for the offence was served on him; or
- (c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed, was—
  - (i) except in the case of an offence against section nine or subsection (1) of section ten, served on or sent by registered post to him or the person, if any, registered as the owner of the vehicle at the time of the commission of the offence ;
  - (ii) in the said excepted case, served on or sent by registered post to him.
- (3) The requirement of the last foregoing subsection shall in every case be deemed to have been complied with unless and until the contrary is proved.
- (4) Failure to comply with the requirement of subsection (2) of this section shall not be a bar to the conviction of the accused in a case where the court is satisfied—
  - (a) that neither the name and address of the accused nor the name and address of the registered owner, if any, could with reasonable diligence have been ascertained in time for a summons or, as the case may be, a complaint to be served or for a notice to be served or sent in compliance with the said requirement; or
  - (b) that the accused by his own conduct contributed to the failure.
- (5) A person may be convicted of an offence against subsection (1) of section two of this Act by virtue of subsection (2) or (3) of that section notwithstanding that the requirement of subsection (2) of this section has not been satisfied as respects that offence.
- (6) A person may be convicted of an offence against subsection (1) of section three of this Act notwithstanding that the requirement of subsection (2) of this section has not been satisfied as respects that offence where—
  - (a) the charge for the said offence has been preferred against him by virtue of subsection (2) of the said section three ; and
  - (b) the said requirement has been satisfied, or does not apply, as respects the alleged offence against subsection (1) of section two of this Act.
- (7) A person may be convicted of an offence against subsection (1) of section ten of this Act notwithstanding that the requirement of subsection (2) of this section has not been satisfied as respects that offence where—
  - (a) the charge for the said offence has been preferred against him by virtue of subsection (2) of the said section ten; and
  - (b) the said requirement has been satisfied, or does not apply, as respects the alleged offence against section nine of this Act.

## **242 Evidence by certificate**

- (1) In any proceedings in England or Wales for an offence to which section two hundred and thirty-two of this Act applies a certificate in the prescribed form, purporting to be signed by a constable and certifying that a person specified in the certificate stated to the constable—
  - (a) that a particular motor vehicle was being driven by, or belonged to, that person on a particular occasion; or

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- (b) that a particular motor vehicle belonged on a particular occasion to a firm in which that person also stated that he was at the time of the statement a partner; or
  - (c) that a particular motor vehicle belonged on a particular occasion to a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,
- shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven, or to whom it belonged, as the case may be, on that occasion.
- (2) Nothing in the foregoing subsection shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.
- (3) Nothing in subsection (1) of this section shall be deemed to make a certificate admissible as evidence in proceedings for an offence—
- (a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence ; or
  - (b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.
- (4) In this section "prescribed" means prescribed by rules made by the Secretary of State by statutory instrument.

#### **243 Proof, in summary proceedings, of identity of driver of vehicle**

Where on the summary trial in England or Wales of an information for an offence to which section two hundred and thirty-two of this Act applies—

- (a) it is proved to the satisfaction of the court, on oath or in manner prescribed by rules made under section fifteen of the Justices of the Peace Act, 1949, that a requirement under subsection (2) of the said section two hundred and thirty-two to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information 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,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

#### **244 Time for commencing summary proceedings for certain offences**

Summary proceedings for an offence under section one hundred and ten, two hundred and one or two hundred and thirty-three of this Act, an offence under section two hundred and thirty-four thereof consisting in the alteration of an entry made in a record under section one hundred and eighty-six thereof, or an offence under section two hundred and thirty-five or two hundred and thirty-six thereof may be brought—

- (a) within a period of six months from the date of the commission of the alleged offence, or

- (b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence, whichever period is the longer.

#### **245 Jurisdiction of courts of summary jurisdiction in Scotland for certain offences**

- (1) An offence against the foregoing provisions of this Act committed in Scotland (not being any of the offences mentioned in the following subsection) for which the maximum penalty that may be imposed does not exceed twenty pounds may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1954, having jurisdiction in the place where the offence was committed.
- (2) The offences referred to in the foregoing subsection are offences under the following provisions of this Act, namely subsection (1) of section twelve, section fifteen, section thirty-seven, subsection (2) of section forty-eight, subsection (1) of section sixty-six, subsection (4) of section sixty-seven, subsection (1) of section eighty-eight, subsection (2) of section one hundred and forty-eight, subsection (1) of section two hundred and twenty, subsection (2) of section two hundred and twenty-one, and section two hundred and twenty-nine, and an offence under subsection (4) of section two hundred and twenty-five consisting in a contravention of subsection (2) or (3) of that section.

#### **246 Inclusion in indictment in Scotland of certain summary offences**

- (1) A contravention occurring in Scotland of any of the foregoing provisions of this Act or of any regulations made thereunder (other than a contravention of the provisions mentioned in the next following subsection or of regulations made thereunder) which is directed to be prosecuted summarily and which, if it had been triable on indictment, could competently have been libelled as an additional or alternative charge in an indictment charging a person with culpable homicide in respect of the driving or attempted driving or use of a motor vehicle, or with a contravention of section two or section six of this Act may, notwithstanding the direction aforesaid, be so libelled and may be tried accordingly.
- (2) The contraventions referred to in the foregoing subsection are contraventions of the following provisions of this Act or of regulations made thereunder, namely, section twelve, section fifteen, section seventeen, section thirty-seven, section forty-one, subsection (2) of section forty-eight, subsection (1) of section sixty-six, subsection (4) of section sixty-seven, section eighty-eight, section one hundred and forty-eight, Part IV, subsection (1) of section two hundred and twenty, section two hundred and twenty-one, subsection (2) or (3) of section two hundred and twenty-five, section two hundred and twenty-seven, section two hundred and twenty-nine, subsection (1) of section two hundred and thirty-five in connection with a licence under Part IV of this Act, and section two hundred and thirty-eight.
- (3) In this section any reference to a contravention of regulations includes a reference to a failure to comply with regulations.

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## **247 Destination of fines**

- (1) All sums paid to the Secretary of State under section twenty-seven of the Justices of the Peace Act, 1949, in respect of fines imposed in respect of offences under the foregoing provisions of this Act or the regulations made thereunder (except offences under subsection (5) of section thirty-three, subsection (2) of section forty-eight, subsection (6) of section forty-nine, subsection (9) of section eighty-one, subsection (7) of section one hundred and forty-one or subsection (2) of section one hundred and forty-eight or offences under regulations made under section thirty-four) shall be deemed to be Exchequer moneys within the meaning of the said section twenty-seven.
- (2) All fines imposed in respect of offences under this Act of which the offenders have been convicted on indictment (except an offence under subsection (1) of section one or subsection (2) of section six or an offence under section two hundred and thirty-four consisting in the alteration of an entry made in a record under paragraph 14 of the Twelfth Schedule) shall be paid into the Exchequer in the same manner as penalties and forfeitures recovered under or in pursuance of the Vehicles (Excise) Act, 1949, and in accordance with such directions as may be contained with respect to such penalties and forfeitures in any Order in Council for the time being in force under that Act, and so shall all fines imposed in respect of offences committed in Scotland under the foregoing provisions of this Act, or the regulations made thereunder, being offences of which the offenders have been convicted otherwise than on indictment (except offences under the following provisions, namely, subsection (2) of section six, subsection (1) of section twelve, section fifteen, section seventeen, subsection (2) of section forty-eight, subsection (6) of section forty-nine, subsection (1) of section sixty-six, subsection (4) of section sixty-seven, section eighty-eight, subsection (2) of section one hundred and forty-eight, subsection (1) of section two hundred and twenty, subsection (2) of section two hundred and twenty-one, section two hundred and twenty-nine and section two hundred and thirty-eight, an offence under subsection (4) of section two hundred and twenty-five consisting in a contravention of subsection (2) or (3) of that section and an offence under section two hundred and thirty-four consisting in the alteration of an entry made in a record under paragraph 14 of the Twelfth Schedule).

### *Inquiries*

## **248 General power to hold inquiries**

Without prejudice to any other provision of this Act, the Minister or the Secretary of State may hold inquiries for the purposes of this Act:

Provided that this section does not apply to any matter which under sections thirty to thirty-four of this Act falls to be considered by the London and Home Counties Traffic Advisory Committee.

## **249 General provisions as to inquiries**

- (1) Where under any of the provisions of this Act an inquiry is held by the Minister or the Secretary of State,—
  - (a) notice of the inquiry may be given and published in accordance with such general or special directions as the appropriate Minister may give ;



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- (b) the appropriate Minister and, if authorised by him, the person appointed to hold the inquiry, may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or to produce any documents in his possession or power which relate to any matter in question at the inquiry, and are such as would be subject to production in a court of law;
  - (c) the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths;
  - (d) the appropriate Minister may make such order as to the payment of the costs incurred by him in connection with the inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and may certify the amount of the costs so incurred, and any amount so certified and directed by the appropriate Minister to be paid by any person shall be recoverable from that person, 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.
- (2) If a person fails without reasonable excuse to comply with any of the provisions of an order under paragraph (h) of the foregoing subsection, he shall be liable on summary conviction to a fine not exceeding five pounds.

#### *Application to the Crown*

### **250 Application to the Crown**

- (1) Subject to the provisions of this section—
- (a) Parts I and II of this Act, except sections thirty-four, thirty-seven to forty-one (both inclusive), forty-eight to fifty (both inclusive), eighty-one and ninety-one, and
  - (b) sections two hundred and seventeen to two hundred and twenty-five (both inclusive), two hundred and twenty-eight, two hundred and twenty-nine, two hundred and thirty-eight and two hundred and forty-one of this Act,
- shall apply to vehicles and persons in the public service of the Crown.
- (2) Section two hundred and twenty-six of this Act, in so far as it provides for the production of test certificates and the giving of names and addresses, shall apply to a person in connection with a vehicle to which section sixty-six of this Act applies notwithstanding that he or the driver is or was at any material time in the public service of the Crown.
- (3) Sections sixty-nine and seventy-three of this Act, and section ninety-seven thereof (in so far as it imposes restrictions on persons under twenty-one years of age with respect to the driving of heavy locomotives, light locomotives, motor tractors or heavy motor cars) shall not apply in the case of motor vehicles owned by the Admiralty, the War Department or the Air Ministry, and used for naval, military or air force purposes, or in the case of vehicles so used while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.
- (4) The Minister may by regulations vary in relation to vehicles used for naval, military or air force purposes while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown the provisions of any statutory provision

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imposing a speed limit on motor vehicles ; but regulations under this subsection may provide that any variation made by the regulations shall have effect subject to such conditions as may be specified in the regulations.

- (5) For the purpose of proceedings for an offence under this Act in connection with a vehicle in the public service of the Crown, being proceedings against a person other than the driver or rider of the vehicle, the person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that the driver or rider only was responsible.

#### *Vehicles used for marine Salvage*

### **251 Vehicles used for marine salvage**

Subsection (4) of the last foregoing section shall have effect in relation to motor vehicles used for salvage purposes pursuant to Part IX of the Merchant Shipping Act, 1894, as it has effect in relation to vehicles used for naval, military or air force purposes while being driven as therein mentioned.

#### *Interpretation*

### **252 Construction of references to traffic areas and London special area**

- (1) References in this Act to a traffic area constituted for the purposes of Part III thereof by a particular designation are references to the area described by that designation on the signed maps whose boundary is delineated thereon by a red line, references in this Act to the London Traffic Area are references to the area described by that designation on the signed maps whose boundary is delineated thereon by a green line and references in this Act to the London special area are references to the area described by that designation on the signed maps whose boundary is delineated thereon by a blue line.
- (2) Except as respects the London Traffic Area and the London special area, the foregoing subsection has effect subject to the power of the Minister under section one hundred and nineteen of this Act to vary the provisions of Part III of this Act constituting traffic areas; and if, by virtue of subsection (3) of that section, an order thereunder provides for substituting, for any of the signed maps, maps authenticated as provided by the order and showing the areas to which the order relates as constituted in accordance with the provisions of the order, the substituted maps shall be deemed to be included among the signed maps in place of those for which they were substituted.
- (3) In this section " the signed maps" means the maps contained in the three sets of books signed by the Right Honourable the Lord Terrington, the Chairman of the Joint Committee of the House of Lords and the House of Commons to which the Bill for this Act was referred, of which one set has been deposited in the Office of the Clerk of the Parliaments, one in the Private Bill Office of the House of Commons, and one at the Ministry of Transport.
- (4) The signed maps, and any substituted therefor by virtue of section one hundred and nineteen of this Act, shall be for all purposes conclusive evidence of the extent of the respective areas whose boundaries are delineated thereon; and a copy of any such map as aforesaid purporting to be printed under the superintendence or authority of Her Majesty's Stationery Office shall be of equal validity with the original.

## **253 Interpretation of expressions relating to motor vehicles and classes or descriptions thereof**

- (1) In this Act " motor vehicle " means a mechanically propelled vehicle intended or adapted for use on roads, and " trailer " means a vehicle drawn by a motor vehicle:

Provided that a side-car attached to a motor cycle shall, if it complies with such conditions as may be specified in regulations made by the Minister, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

- (2) In this Act " motor car " means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen—
- (a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Minister, does not exceed three tons ;
  - (b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed three tons, or three tons and a half if the vehicle carries a container or containers for holding for the purpose of its propulsion any fuel which is wholly gaseous at sixty degrees Fahrenheit under a pressure of thirty inches of mercury or plant and materials for producing such fuel;
  - (c) does not exceed two tons and a half in a case falling within neither of the foregoing paragraphs.
- (3) In this Act "heavy motor car" means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds two tons and a half.
- (4) In this Act (except for the purposes of the provisions thereof relating to the provision by parish councils of parking places for bicycles and motor cycles) " motor cycle " means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed eight hundredweight.
- (5) In this Act " invalid carriage " means a mechanically propelled vehicle the weight of which unladen does not exceed five hundredweight and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person.
- (6) In this Act " motor tractor " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment, and the weight of which unladen does not exceed seven tons and a quarter.
- (7) In this Act " light locomotive " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles aforesaid, and the weight of which unladen does not exceed eleven tons and a half but does exceed seven tons and a quarter.
- (8) In this Act " heavy locomotive " means a mechanically propelled vehicle which is not constructed, itself to carry a load, other than any of the articles aforesaid, and the weight of which unladen exceeds eleven tons and a half.

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- (9) For the purposes of this section, in a case where a motor vehicle is so constructed that a trailer may by partial super-imposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load.
- (10) For the purposes of this section, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load or goods or burden of any description, but shall be deemed to form part of the vehicle.
- (11) The Minister may by regulations vary any of the maximum or minimum weights specified in the foregoing provisions of this section, and such regulations may have effect either generally or in the case of vehicles of any class or description specified in the regulations and either for the purposes of this Act and of all regulations thereunder or for such of those purposes as may be so specified; and nothing in section twenty-four of this Act shall be construed as limiting the powers conferred by this subsection.

#### **254 Certain vehicles not to be treated as motor vehicles**

- (1) For the purposes of this Act (except the provisions of Part IV thereof and the Thirteenth Schedule thereto)—
- (a) a mechanically propelled vehicle, being an implement motor for cutting grass which is controlled by a pedestrian and, is not capable of being used or adapted for any other purpose, and
  - (b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Minister for the purposes of this section and of subsection (5) of section ten of the Road Transport Lighting Act, 1957,
- shall be treated as not being a motor vehicle.
- (2) In the foregoing subsection " controlled by a pedestrian " means that the vehicle either—
- (a) is constructed or adapted for use only under such control, or
  - (b) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it.

#### **255 Method of calculating weight of motor vehicles**

For the purposes of this Act, and of any other enactment relating to the use of motor vehicles on roads, the weight unladen of a vehicle shall be taken to be the weight of the vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, and of loose tools and loose equipment.

#### **256 Interpretation of statutory references to carriages**

A motor vehicle or trailer shall be deemed to be a carriage within the meaning of any Act of Parliament, whether a public general Act or a local Act, and of any rule,

regulation or byelaw made under any Act of Parliament, and if used as a carriage of any particular class shall for the purpose of any enactment relating to carriages of any particular class be deemed to be a carriage of that class.

## **257 General interpretation provisions**

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

" the appropriate Minister " means, in relation to England or Wales, the Minister of Transport and, in relation to Scotland, the Secretary of State;

" bridge authority " means the authority or person responsible for the maintenance of a bridge ;

" bridleway " means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the way;

" chief officer of police " has the same meaning as in the Police Pensions Act, 1921;

" classified road " means a road classified by the appropriate Minister under the Ministry of Transport Act, 1919, in Class I or Class II, or in any class declared by the appropriate Minister not to be inferior to those Classes ;

except for the purposes of sections one and eighty-eight, " driver ", where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and " drive " shall be construed accordingly;

" fares " includes sums payable in respect of a contract ticket or a season ticket;

" footpath " means a way over which the public have a right of way on foot only;

" highway authority ", for the purposes of the application of this Act to England or Wales, means, in relation to a road other than a trunk road, the authority (being either the council of a county, the council of a county borough, the council of a non-county borough or an urban district, the Common Council of the City of London, or the council of a metropolitan borough) which is responsible for the maintenance of the road, and, in relation to a trunk road, the Minister, and for the purposes of the application of this Act to Scotland means, in relation to a road other than a trunk road, a county council or the town council of a burgh charged with the maintenance and management of any of the highways therein, and, in relation to a trunk road, the Secretary of State;

" magistrates' court " and " petty sessions area " have the same meanings as in the Magistrates' Courts Act, 1952 ;

" the Minister " means the Minister of Transport;

" owner ", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

" road " means any highway and any other road to which the public has access, and includes bridges over which a road passes;

" road service licence " has the meaning assigned to it by subsection (1) of section one hundred and thirty-four of this Act;

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" salvage " means the preservation of a vessel which is wrecked, stranded or in distress, or the lives of persons belonging to, or the cargo or apparel of, such a vessel;

" special road " means a road provided or to be provided in pursuance of a scheme under section one of the Special Roads Act, 1949, or section eleven of the Highways Act, 1959, or to which, by virtue of section nineteen of the last-mentioned Act, that Act applies as if it were a road provided in pursuance of a scheme under section eleven thereof, and includes any part of a special road;

" statutory ", in relation to any prohibition, restriction, requirement or provision, means contained in, or having effect under, any enactment (including any enactment contained in this Act);

" test certificate " has the meaning assigned to it by subsection (2) of section sixty-five of this Act;

" traffic sign " has the meaning assigned to it by subsection (1) of section fifty-one of this Act;

" tramcar " includes any carriage used on any road by virtue of an order made under the Light Railways Act, 1896 ;

" trolley vehicle " means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source;

and the expressions " public service vehicle ", " stage carriage ", " express carriage " and " contract carriage " shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of this Act.

- (2) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any subsequent enactment.

## **258 Effect of certain references to Scottish local authorities**

Where any powers and duties are by this Act conferred or imposed, in relation to Scotland, on county councils and on the town councils of certain burghs only, all other burghs shall, for the purposes of those powers and duties, be deemed to be within the county.

### *Exclusion of Application of certain Provisions to Tramcars and Trolley Vehicles*

## **259 Exclusion of application of certain provisions to tramcars and trolley vehicles**

- (1) None of the following provisions contained in Part I of this Act, and no orders or regulations made under those provisions shall apply to tramcars or trolley vehicles operated under statutory powers, that is to say, sections four, five, seven, eighteen to twenty-nine (both inclusive), thirty-six, thirty-eight, sixty-four, sixty-six, sixty-eight, sixty-nine, seventy-two, seventy-three and seventy-seven, and the following provisions so contained shall not apply to tramcars so operated, that is to say, sections two and three, subsection (1) of section six and section seventy-eight.
- (2) Part II of this Act shall not apply to tramcars operated under statutory powers and sections ninety-seven and one hundred and sixteen thereof shall not apply to trolley vehicles so operated.

- (3) Section one hundred and sixty-four of this Act shall not apply to the use of tramcars or trolley vehicles operated as aforesaid.
- (4) Part VI of this Act, and the following provisions contained in this Part of this Act, that is to say, sections two hundred and seventeen to two hundred and nineteen (both inclusive), two hundred and twenty-two to two hundred and twenty-four (both inclusive), two hundred and twenty-six, two hundred and twenty-eight, two hundred and thirty, two hundred and thirty-one, two hundred and forty-one, two hundred and fifty-five and two hundred and fifty-six, shall not apply to tramcars or trolley vehicles operated as aforesaid and section two hundred and twenty-five shall not apply to tramcars so operated.
- (5) In this section " operated under statutory powers " means, in relation to tramcars or trolley vehicles, that their use is authorised or regulated by special Act of Parliament or by an order having the force of an Act.
- (6) Subsections (1), (2) and (4) of this section shall have effect subject to any such Act or order as is mentioned in the last foregoing subsection, and any such Act or order may apply to the tramcars or trolley vehicles to which it relates any of the provisions excluded by the said subsections (1), (2) and (4) except sections twenty-six to twenty-nine (both inclusive), thirty-six, thirty-eight and sixty-six.

*Exercise of Regulation-making Powers, and Parliamentary Control thereover*

**260 Exercise of regulation-making powers, and Parliamentary control thereover**

- (1) Any power conferred by this Act upon the Minister or the Secretary of State or the Minister and the Secretary of State acting jointly to make regulations shall be exercisable by statutory instrument.
- (2) Before making any regulations under this Act (other than regulations under section thirty-four thereof), the Minister or, as the case may be, the Secretary of State, or the Minister and the Secretary of State acting jointly, shall consult with such representative organisations as he or they think fit.
- (3) A statutory instrument whereby any such power as aforesaid is exercised (other than the power conferred by section twenty-four or two hundred and fifty-four of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Regulations under section twenty-four or two hundred and fifty-four of this Act shall not have effect unless approved by resolution of each House of Parliament.

*Supplementary*

**261 Provision, and c, of weighbridges**

- (1) It shall be lawful for a highway authority to provide, erect, maintain and operate, or to join with another highway authority in providing, erecting, maintaining and operating, weighbridges or other machines for weighing vehicles or to contribute towards the cost of the provision, erection, maintenance and operation of any such weighbridge or other machine by any other authority or person.

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- (2) The provision or erection, or the making of a contribution towards the provision or erection, of any such weighbridge or other machine shall be a purpose for which the highway authority may borrow.

**262 Provisions as to Thames embankment**

Section forty-one of the Thames Embankment Act, 1862, shall not apply to motor tractors, heavy motor cars, motor cars, motor cycles or invalid carriages, but save as aforesaid nothing in this Act shall affect the provisions of that section.

**263 Protection of public interests**

- (1) It is hereby declared that nothing in Part III, IV or V of this Act is to be treated as conferring on the holder of a licence granted under any of those Parts any right to the continuance of any benefits arising from, or from a licence granted under, any of those Parts, or from any conditions attached to any such licence.
- (2) In the event of an undertaking by which a service of public service vehicles is provided being purchased compulsorily by a local or public authority, that part of the value of the undertaking attributable directly or indirectly to Part III of this Act shall not be taken into account.

**264 Consequential amendments of Acts**

The enactments specified in the Seventeenth Schedule to this Act shall have effect subject to the amendments respectively specified in relation thereto in that Schedule.

**265 Construction of references in other Acts, and c, to public service vehicles, licensing authorities, and c**

- (1) A provision of an Act other than this Act or one of those mentioned in the Seventeenth Schedule to this Act, or of an instrument having effect under an enactment not repealed by this Act, which (however expressed) defines "public service vehicle", "stage carriage", "express carriage" or "contract carriage" by reference to the Road Traffic Act, 1930, or "London Traffic Area" by reference to the London Traffic Act, 1924, shall have effect as if it provided that that expression should be construed in like manner as if it were contained in this Act.
- (2) References in any enactment to a licensing authority for public service vehicles shall be construed as references to the traffic commissioners for a traffic area constituted for the purposes of Part III of this Act, and references in any enactment to the licensing authority for goods vehicles shall be construed as references to the licensing authority for the purposes of Part IV of this Act.

**266 Repeal of provisions as to use of bridges by locomotives**

The following enactments shall cease to have effect, that is to say,—

- (a) section six of the Locomotive Act, 1861 (which restricts the use of locomotives over suspension and other bridges),
- (b) section seven of that Act (which relates to the making good of damage to bridges caused by locomotives or their trailers), and



- (c) section seven of the Locomotives Act, 1898 (which enables owners of locomotives to appeal against restrictions on passing over bridges), and section eight of that Act (which prohibits locomotives' being driven so as to pass one another on bridges).

**267 General repeals, revocations, savings and transitional provisions**

- (1) The enactments specified in Part I of the Eighteenth Schedule to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule, and the orders and regulations specified in Part II of that Schedule are hereby revoked to the extent specified in the third column of that Part of that Schedule.
- (2) The saving and transitional provisions contained in the Nineteenth Schedule to this Act shall have effect.

**268 Saving for s. 38 of Interpretation Act, 1889**

The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

**269 Saving for law of nuisance**

Nothing in this Act shall authorise a person to use on a road a vehicle so constructed or used as to cause a public or private nuisance, or in Scotland a nuisance, or affect the liability, whether under statute or common law, of the driver or owner so using such a vehicle.

**270 Commencement**

- (1) This Act, except the provisions thereof specified in Part I of the Twentieth Schedule thereto, shall come into operation on the first day of September, nineteen hundred and sixty, and notwithstanding section thirty-six of the Interpretation Act, 1889 (which defines " commencement" when used with reference to an Act), references in this Act to the commencement thereof shall be construed as referring to the time at which this Act, except the provisions aforesaid, comes into operation.
- (2) The provisions of Part II of the Twentieth Schedule to this Act shall have effect for the purpose of providing for the coming into operation of the provisions of this Act specified in Part I of that Schedule and the provisions of Part III of that Schedule shall have effect for temporarily extending, in the case therein specified, the provisions of section sixty-four of this Act.

**271 Short title and extent**

- (1) This Act may be cited as the Road Traffic Act, 1960.
- (2) This Act shall not extend to Northern Ireland.