



# Road Traffic Act 1930

## 1930 CHAPTER 43

### PART I

#### REGULATION OF MOTOR VEHICLES.

##### *Miscellaneous.*

#### **28 Taking motor vehicle without owner's consent or other authority to be an offence.**

- (1) Every person who takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine :

Provided that, if on summary proceedings under this section the court, or on proceedings under this section on indictment the jury, 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.

- (2) If on the trial of any indictment for stealing a motor vehicle the jury are of 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.
- (3) Any police constable may arrest without a warrant any person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

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**29 Restrictions on persons being towed by getting on to or tampering with motor vehicles.**

- (1) If any 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 any road, for the purpose of being drawn or carried, he shall be liable, in the case of a first conviction, to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.
- (2) If while a motor vehicle is on a road or on a parking place provided by a local authority any 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 guilty of an offence.

**30 Regulations.**

- (1) The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act, and for prescribing anything which may be prescribed under this Part of this Act, and generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used and otherwise for the purpose of carrying this Part of this Act into effect, and, in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters :—
  - (a) the width, height and length of motor vehicles and trailers and the load carried thereby, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;
  - (b) the consumption of smoke and the emission of visible vapour, sparks, ashes and grit;
  - (c) excessive noise owing to the design or condition of the vehicle, or the loading thereof;
  - (d) the maximum weight unladen of heavy locomotives, and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or description or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested;
  - (e) the particulars to be marked on motor vehicles and trailers;
  - (f) the towing of or drawing of vehicles by motor vehicles;
  - (g) the number and nature of brakes, and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect, either on a road or, subject to the consent of the owner of the premises, on any premises where the vehicle is, any such brakes, silencers or steering gear;
  - (h) the appliances to be fitted for signalling the approach of a motor vehicle, or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of a motor vehicle and the use of any such appliance, and for securing that they shall be efficient and kept in proper working order;
  - (i) licences, and in particular with respect to the record to be kept of licences, and for providing special facilities for granting licences to persons not resident in Great Britain, and for dispensing in the case of any such persons with the requirements of section five of this Act, and for the communication by

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licensing authorities to one another of particulars of licences, and for making any particulars with respect to any persons who are disqualified for holding or obtaining drivers' licences or whose licences are suspended or endorsed available for use by the police, and for preventing a person holding more than one licence and for facilitating the identification of holders of licences and for providing for the issue of a new licence in the place of a licence lost or defaced on payment of such fee, not exceeding one shilling, as may be prescribed;

and different regulations may be made as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.

- (2) In this Part of this Act the expression " regulations " means regulations made under this section.

### **31 General law relating to carriages to apply to motor vehicles.**

Any 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.

### **32 Provisions as to Northern Ireland drivers' licences.**

- (1) If the Minister certifies that satisfactory provision is made by the law of Northern Ireland for the granting of licences to drive motor vehicles, it shall be lawful for the holder of such a licence, to drive and be employed in driving in Great Britain a motor vehicle of any class or description which he is authorised by that licence to drive, and which he is not disqualified from driving under this Act notwithstanding that he is not the holder of a licence under this Part of this Act:

Provided that any such driver shall be under the like obligation to produce such a licence as if it had been a licence granted under this Part of this Act, and the provisions of this Part of this Act as to the production of licences granted thereunder shall apply accordingly.

- (2) The holder of any such licence who by a conviction or order of the court is disqualified for holding or obtaining a driver's licence under this Part of this Act shall produce the licence so held by him to the court within such time as the court may determine, and the court shall on production of the licence forward it to the Minister.

If the holder fails to produce the licence within such time as aforesaid, he shall be guilty of an offence.

- (3) If the holder of any such licence is convicted of an offence, and had he been the holder of a licence under this Part of this Act the court would have ordered particulars of the conviction to be endorsed thereon, the court instead of making such an order shall send to the Minister particulars of the conviction.

### **33 Savings.**

- (1) Nothing in this Part of this Act shall authorise any person to use on any road any vehicle so constructed or used as to cause a public or private nuisance, or affect the

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liability, whether under statute or common law, of the driver or owner so using such a vehicle.

- (2) A motor vehicle shall not be driven on or over Menai Bridge except in accordance with and subject to any restrictions contained in regulations made by the Minister, and if any person acts in contravention of this provision he shall be guilty of an offence.
- (3) 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 Part of this Act shall affect the provisions of that section.

### **34 Application to Scotland.**

This Part of this Act shall apply to Scotland subject to the following modifications :—

- (a) The expression " county borough " shall mean a burgh containing within its boundaries as ascertained, fixed or determined for police purposes, a population, according to the census for the time being last taken, of or exceeding fifty thousand:
- (b) Subsection (5) of section five shall have effect with the substitution for an appeal to a court of summary jurisdiction of an appeal to the sheriff within whose jurisdiction the person aggrieved resides:
- (c) A reference to a charge under section seventy of the Licensing (Scotland) Act, 1903, of being drunk while in charge, in a street or place, of a carriage shall be substituted for any reference to a charge under section twelve of the Licensing Act, 1872, of the offence of being drunk while in charge, on a highway or other public place, of a carriage :
- (d) A reference to a "nuisance" shall be substituted for the reference to a public or private nuisance :
- (e) Section twenty-one shall have effect with the substitution of a reference to a complaint for the reference to a summons.