



# Road Traffic Act 1930

## 1930 CHAPTER 43

### PART I

#### REGULATION OF MOTOR VEHICLES.

##### *Classification of Motor Vehicles.*

#### **1 Motor vehicles to which Part I applies.**

This Part of this Act shall apply to all mechanically propelled vehicles intended or adapted for use on roads (in this Act referred to as " motor vehicles ") and to vehicles (in this Act referred to as " trailers ") drawn by motor vehicles:

Provided that—

- (a) the provisions of this Part of this Act shall not apply to tramcars the use of which is authorised or regulated by special Act of Parliament or by an order having the force of an Act, and
- (b) the provisions of this Part of this Act, other than sections four to eight, both inclusive, sections eleven, twelve, fifteen and twenty-three shall not apply to trolley vehicles the use of which is authorised or regulated as aforesaid;

unless in either case the special Act or order so provides.

#### **2 Classification of motor vehicles.**

(1) Motor vehicles shall, for the purposes of this Act and the regulations, be divided into the following classes :—

- (a) Heavy locomotives; that is to say, mechanically propelled vehicles which are not constructed themselves to carry any 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 exceeds eleven tons and a half:
- (b) Light locomotives; that is to say, mechanically propelled vehicles which are not constructed themselves to carry any load (other than any of the articles

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aforesaid), and the weight of which unladen does not exceed eleven tons and a half, but does exceed seven tons and a quarter :

- (c) Motor tractors; that is to say, mechanically propelled vehicles which are not constructed themselves to carry any load (other than any of the articles aforesaid), and the weight of which unladen does not exceed seven tons and a quarter :
  - (d) Heavy motor cars; that is to say, mechanically propelled vehicles (not being vehicles classified under this section as motor cars) which are constructed themselves to carry a load or passengers, and the weight of which unladen exceeds two tons and a half :
  - (e) Motor cars; that is to say, mechanically propelled vehicles (not being vehicles classified under this section as motor cycles or invalid carriages) which are constructed themselves to carry a load or passengers and the weight of which unladen—
    - (i) in the case of vehicles which are—
      - (1) constructed solely for the carriage of passengers and their effects; and
      - (2) adapted to carry not more than seven passengers exclusive of the driver; and
      - (3) fitted with tyres of the prescribed type;
 does not exceed three tons ;
    - (ii) in any other case does not exceed two tons and a half :
  - (f) Motor cycles; that is to say, mechanically propelled vehicles (not being vehicles classified under this section as invalid carriages) with less than four wheels and the weight of which unladen does not exceed eight hundredweight:
  - (g) Invalid carriages; that is to say, mechanically propelled vehicles the weight of which unladen does not exceed five hundredweight and which are specially designed and constructed, and not merely adapted, for the use of persons suffering from some physical defect or disability and are used solely by such persons :
- (2) Provision may be made by regulations for—
- (i) subdividing any such class as aforesaid, whether according to weight, construction, nature of tyres, use or otherwise, and making different provision with respect to each subdivision; and
  - (ii) varying as respects any class the maximum or minimum weight fixed by this section.
- (3) Any reference in this Part of this Act to a class of motor vehicles shall include a reference to a subdivision of such a class.
- (4) For the purposes of this Part of this Act—
- (a) in any case where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such 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; and
  - (b) 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, but shall be deemed to form part of the vehicle; and

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- (c) a side car attached to a motor cycle shall, if it complies with the prescribed conditions, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

### **3 Prohibition of motor vehicles not complying with regulations as to construction, and &c.**

- (1) Subject as hereinafter provided, it shall not be lawful, to use on any road a motor vehicle or trailer which does not comply with the regulations applicable to the class or description of vehicles to which the vehicle belongs, as to the construction, weight and equipment thereof :

Provided that—

- (a) Where any regulations made after the passing of this Act contain provisions varying the requirements as regards the construction or weight of any class or description of vehicles, provision shall be made by the regulations for exempting for such period (not being less than five years) as may be specified therein from the provisions aforesaid any vehicle of that class or description registered under the Roads Act, 1920, before the expiration of one year from the making of the regulations; and
  - (b) the Minister may by order authorise, subject to such restrictions and conditions as may be specified in the order, the use on roads of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials, and of new or improved types of motor vehicles and trailers whether wheeled or wheel-less.
- (2) The Minister may at any time revoke, vary, or amend an order made under this section.
  - (3) If a motor vehicle or trailer is used on a road in contravention of this section, any person who so uses the vehicle or causes or permits the vehicle to be so used shall be guilty of an offence.

*Licensing of Drivers.*

### **4 Licensing of drivers, and &c.**

- (1) A person shall not drive a motor vehicle on a road unless he is the holder of a licence, and a person shall not employ any person to drive a motor vehicle on a road unless the person so employed is the holder of a licence, and if any person acts in contravention of this provision, he shall be guilty of an offence.
- (2) Subject to the provisions of this Part of this Act as to the physical fitness of applicants for licences, the licensing authority, except in the case of an applicant who is disqualified as hereinafter mentioned, shall on payment of a fee of five shillings grant a licence to any person who applies for it in the prescribed manner and makes a declaration in the prescribed form that he is not, under the provisions of this Part of this Act, disqualified by reason of age or otherwise for obtaining the licence for which he is applying.
- (3) Licences shall be in the prescribed form, and where under the provisions of this Part of this Act the applicant is subject to any restriction with respect to the driving of any class of motor vehicle, the extent of the restriction shall be specified in the prescribed manner on the licence.

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- (4) Subject to the provisions of this Act with respect to provisional licences, a licence shall, unless previously revoked or surrendered, remain in force for a period of twelve months from the date on which it is granted.
- (5) Any person driving a motor vehicle on a road shall, on being so required by a police constable, produce his licence for examination, so as to enable the police 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, and if he fails so to do, he shall be liable to a fine not exceeding five pounds :

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

- (6) A person shall be disqualified for obtaining a licences—
- (a) while another licence granted to him is in force whether the licence is suspended or not;
  - (b) if he is by a conviction under this Part of this Act or by an order of a court thereunder disqualified for holding or obtaining a licence.
- (7) In any proceedings the fact that a licence has been granted to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration that he was not disqualified for holding or obtaining the licence.
- (8) In this Part of this Act the expression " licence " means a licence to drive a motor vehicle granted under this Part of this Act, and the expression " licensing authority " means the council of the county or county borough in which the applicant for the licence resides.

## **5 Provisions as to physical fitness of applicants for licences.**

- (1) On an application for the grant of a licence the applicant shall make a declaration in the prescribed form as to whether or not he is suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such a class or description as he would be authorised by the licence to drive, to be a source of danger to the public.
- (2) If from the declaration it appears that the applicant is suffering from any such disease or disability as aforesaid, the licensing authority shall refuse to grant the licence:

Provided that—

- (a) a licence limited to driving an invalid carriage may be granted to the applicant if the licensing authority are satisfied that he is fit to drive such a carriage;
- (b) the applicant may, except in the case of such diseases and disabilities as may be prescribed, on payment of the prescribed fee, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorised by the licence to drive, and if he passes the prescribed test and is not otherwise disqualified, the licence shall not be refused by reason only of the provisions of this subsection so, however, that if the test proves his fitness to drive vehicles of a particular construction or design only, the licence shall be limited to the driving of such vehicles;

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- (c) if on the first application for the grant of a licence by a person who at the commencement of this Act is the holder of a driver's licence under the Motor Car Act, 1903, an applicant who is suffering from a disease or disability other than a disease or disability prescribed as aforesaid makes a declaration that notwithstanding his disease or disability he has during the six months immediately preceding the application been in the habit of driving a motor vehicle of any such class or description as he would be authorised by the licence to drive and that the disease or disability from which he suffered did not cause the driving of such a motor vehicle by him to be a source of danger to the public, the licence shall not be refused by reason only of the provisions of this subsection;
  - (d) if on the application for the grant of a licence the applicant makes a declaration that on the occasion of a previous application by him a licence was granted to him after passing such a test as aforesaid, or making such a declaration as is mentioned in the last preceding proviso, a further test shall not be required, unless from the declaration as to physical fitness made by him for the purposes of his application, or from information received by the licensing authority, it appears that the disease or physical disability from which the applicant is suffering has become more acute, or that the applicant is suffering from some disease or disability not disclosed on the previous occasion or contracted since that occasion.
- (3) For the purpose of enabling the applicant for the grant of a licence to learn to drive a motor vehicle with a view to passing a test under this section, the licensing authority may, if so requested by him and on payment of a fee of five shillings, grant him a provisional licence to be in force for a period of three months, which licence shall be in the prescribed form and granted subject to the prescribed conditions.

If any person to whom such a provisional licence is granted fails to comply with any of the conditions subject to which it is granted, he shall be guilty of an offence.

- (4) If it appears to a licensing authority that there is reason to believe that any person who holds a licence granted by them is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorised by the licence to drive, to be a source of danger to the public, and on inquiry into the matter the authority are satisfied that the licence holder is suffering from such a disease or disability as aforesaid, then, whether or not the licence holder so suffering as aforesaid has previously passed a test under this section, the licensing authority may, after giving to the licence holder notice of their intention so to do, revoke the licence, and the licence holder shall, on receipt of such notice, deliver the licence to the licensing authority for cancellation:

Provided that the licence holder may, except in the case of such diseases and disabilities as may be prescribed, claim to be subjected to a test as to his fitness or disability to drive a motor vehicle, and if he passes the prescribed test the licence shall not be revoked.

- (5) If any person is aggrieved by the refusal of a licensing authority to grant a licence or by the revocation of a licence under this section, he may, after giving to the authority notice of his intention so to do, appeal to a court of summary jurisdiction acting for the petty sessional division in which the said person resides, and on any such appeal the court may make such order as it thinks fit, and any order so made shall be binding on the licensing authority.

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## **6 Disqualification for offences and endorsement of convictions.**

- (1) Any court before which a person is convicted of any criminal offence in connection with the driving of a motor vehicle (not being an offence under Part IV of this Act)—
  - (a) may in any case, except where otherwise expressly provided by this Part of this Act, and shall where so required by this Part of this Act, order him to be disqualified for holding or obtaining a licence for such period as the court thinks fit and
  - (b) may in any case, and shall where a person is by virtue of a conviction disqualified for holding or obtaining a licence, or where an order so disqualifying any person is made or where so required by this Part of this Act, order that particulars of the conviction and of any disqualification to which the convicted person has become subject shall be endorsed on any licence held by the offender :

Provided that, if the court thinks fit, any disqualification imposed under this section may be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

- (2) A person who by virtue of an order of a court under this Part of this Act is disqualified for holding or obtaining a licence may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit, pending the appeal, suspend the operation of the order.

## **7 Provisions as to disqualifications and suspensions.**

- (1) Where a person who is disqualified by virtue of a conviction or order under this Part of this Act is the holder of a licence, the licence shall be suspended so long as the disqualification continues in force.
- (2) A licence suspended by virtue of this Part of this Act shall during the time of suspension be of no effect.
- (3) A person who by virtue of a conviction or order under this Part of this Act is disqualified for holding or obtaining a licence, may, at any time after the expiration of six months from the date of the conviction or order, and from time to time apply to the court before which he was convicted or by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

Provided that, where an application under this subsection is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

If the court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

- (4) If any person who under the provisions of this Part of this Act is disqualified for holding or obtaining a licence applies for or obtains a licence while he is so disqualified, or if any such person while he is so disqualified drives a motor vehicle,

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or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description, on a road, that person shall be liable on summary conviction to imprisonment for a term not exceeding six months or if the court think that, having regard to the special circumstances of the case, a fine would be an adequate punishment for the offence, to a fine not exceeding fifty pounds, or to both such imprisonment and such fine, and a licence obtained by any person disqualified as aforesaid shall be of no effect.

- (5) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under subsection (4) of this section 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.
- (6) For the purposes of this section, references to orders and convictions under this Part of this Act include references to orders and convictions under the corresponding provisions of any enactment repealed by this Act.

## **8 Provisions as to endorsements.**

- (1) An order that the particulars of any conviction or of any disqualification to which the convicted person has become subject are to be endorsed on any licence held by the offender shall, whether the offender is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain, shall be so endorsed until he becomes entitled under the provisions of this section to have a licence issued to him free from endorsement.
- (2) Where an order is made requiring any licence held by an offender to be endorsed, then—
- (a) if the offender is at the time the holder of a licence, he shall, if so required by the court, produce the licence within five days or such longer time as the court may determine for the purpose of endorsement; and
  - (b) if he is not then the holder of a licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the court for the purpose of endorsement;
- and if he fails to do so, he shall be guilty of an offence; and if the licence is not produced for the purpose of endorsement within such time as aforesaid, it shall be suspended from the expiration of such time until it is produced for the purpose of endorsement.
- (3) On the issue of a new licence to any person, the particulars endorsed on any previous licence held by him shall be copied on to the new licence unless he has previously become entitled under the provisions of this section to have a licence issued to him free from endorsements.
- (4) If any person whose licence has been ordered to be endorsed and who has not previously become entitled under the provisions of this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or on conviction on

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indictment to imprisonment for a term not exceeding six months or to a fine, and any licence so obtained shall be of no effect.

- (5) Where a person in respect of whom an order has been made under this Part of this Act, or the corresponding provisions of any Act repealed by this Act requiring the endorsement of any licence held by him, has during a continuous period of three years or upwards since the order was made had no such order made against him, he shall be entitled, either on applying for the grant of a licence under this Part of this Act, or, subject to payment of a fee of five shillings, and subject to surrender of any subsisting licence, at any time, to have issued to him a new licence free from endorsements :

Provided that, in reckoning the said period of three years, any period during which the person was by virtue of the order disqualified for holding or obtaining a licence shall be excluded.

- (6) Where a court orders particulars to be endorsed on a licence held by any person, or where by a conviction or order of a court a person is disqualified for holding or obtaining a licence, the court shall send notice of the conviction or order to the licensing authority by which the licence was granted and to the licensing authority in whose area that person resides, and, in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to the authority by which it was granted, and that authority shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.

Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the licensing authority to whom that person's licence has been forwarded under this subsection shall forthwith after the receipt thereof issue to that person a new licence on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the licence is not thereby authorised to drive, and the licence so issued shall remain in force either for the unexpired period of the original licence or for the period of the disqualification, whichever is the shorter.

- (7) Where on an appeal against any such order the appeal is allowed, or where any such conviction is quashed, the court by which the appeal is allowed or the conviction is quashed shall send notice thereof to the licensing authority in whose area the person affected by the order or conviction resides and to the authority who issued the licence.

*Provisions as to Driving and Offences in connection therewith.*

## **9 Restriction on driving by young persons.**

- (1) A person under sixteen years of age shall not drive a motor vehicle on a road unless on first applying for a licence after the commencement of this Act he satisfies the licensing authority that he was during the six months immediately preceding the first day of January, nineteen hundred and thirty, in the habit of driving a motor vehicle.
- (2) A person under seventeen years of age shall not drive a motor vehicle other than a motor cycle or an invalid carriage on a road.
- (3) A person under twenty-one years of age shall not drive a heavy locomotive, light locomotive, motor tractor or heavy motor car on a road unless on first applying for a licence after the commencement of this Act he satisfies the licensing authority that he



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was during the six months immediately preceding the first day of January, nineteen hundred and thirty, in the habit of driving a motor vehicle of that class :

Provided that a vehicle being an agricultural tractor shall not be deemed to be driven on a road within the meaning of this subsection while it is being so driven in the course of the internal operations of a farm.

- (4) Any person who drives, or causes or permits any person to drive, a motor vehicle in contravention of this section, shall be guilty of an offence.
- (5) A person prohibited by this section by reason of his age from driving a motor vehicle or a motor vehicle of any class, shall, for the purposes of this Part of this Act, be deemed to be disqualified under the provisions of this Part of this Act for holding or obtaining any licence other than a licence to drive such motor vehicles, if any, as he is not by this section forbidden to drive.

## **10 Rate of speed.**

- (1) It shall not be lawful for any person to drive a motor vehicle of any class or description on a road at a speed greater than the speed specified in the First Schedule to this Act as the maximum speed in relation to a vehicle of that class or description, and if any person acts in contravention of this section he shall be guilty of an offence.
- (2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence.
- (3) A person charged under this section with the offence of driving a motor vehicle of any class or description on a road at a speed greater than the maximum speed allowed in the case of a vehicle of that class or description, shall not be liable to be convicted of the offence solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving the vehicle at such greater speed.
- (4) The Minister may by regulation vary, subject to such conditions as may be specified in the regulation, the provisions of the First Schedule to this Act provided that—
  - (a) no speed limit shall be imposed on any vehicle in the case of which no speed limit is provided by the said Schedule; and
  - (b) a regulation under this subsection shall be of no effect unless and until it has been approved by a resolution passed by each House of Parliament.
- (5) If any person is convicted under section five of the Summary Jurisdiction Act, 1848, of aiding, abetting, counselling or procuring any person who is employed by him to drive, or is subject to his orders in driving, a motor vehicle on a road to commit an offence under this section, he shall, instead of being liable on being so convicted to the same punishment as the principal offender, be liable in the case of a first conviction to a fine not exceeding fifty pounds, and 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 imprisonment, and if any person is convicted summarily of the offence of inciting to commit an offence under this section, he shall, notwithstanding anything in proviso (c) to subsection (1) of section twenty-four of the Criminal Justice Act, 1925, be liable to the same punishment as if he had procured the commission of an offence under this section.
- (6) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time table or schedule or gives any directions, under which any journey or any stage or part of any journey is to be completed within some specified time and it

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is not practicable in the circumstances of the case for that journey or that stage or part of the journey to be completed in the specified time without an infringement of the provisions of this section, the publication or issue of the said time table or schedule or the giving of the directions may be produced as prima facie evidence that the employer, as the case may be, procured or incited the persons employed by him to drive the vehicles to commit an offence under this section.

## **11 Reckless or dangerous driving.**

- (1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable—
  - (a) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, and in the case of a second or subsequent conviction either to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and imprisonment;
  - (b) on conviction on indictment to imprisonment for a term not exceeding six months or to a fine, or to both such imprisonment and fine.
- (2) The court shall order particulars of any such conviction to be endorsed on any licence held by the person convicted.
- (3) On a second or subsequent conviction under this section the convicting court shall exercise the power conferred by this Part of this Act of ordering that the offender shall be disqualified for holding or obtaining a licence unless the court, having regard to the lapse of time since the date of the previous or last previous conviction or for any other special reason thinks fit to order otherwise, but this provision shall not be construed as affecting the right of the court to exercise the power aforesaid on a first conviction.
- (4) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence under this section, and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of this Part of this Act relating to disqualification for holding or obtaining licences, be deemed to be an offence in connection with the driving of a motor vehicle.

## **12 Careless driving.**

- (1) If any person drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road he shall be guilty of an offence.
- (2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence.

## **13 Prohibition of motor racing and speed trials on highways.**

- (1) Any person who promotes or takes part, in a race or trial of speed between motor vehicles on a public highway shall be liable to imprisonment for a term not exceeding

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three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

- (2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a licence.

#### **14 Prohibition of driving motor vehicles elsewhere than on roads.**

- (1) If without lawful authority any person drives a motor vehicle on to or upon any common land, moor land or other land of whatsoever description (not being land forming part of a road), or on any road being a bridleway or footway, he shall be guilty of an offence, and 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:

Provided that—

- (a) it shall not be an offence under this section to drive a motor vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land; and
- (b) a person shall not be convicted of an offence under this section if he proves to the satisfaction of the court that the motor vehicle was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.
- (2) It is hereby declared that nothing in this section prejudices the operation of section one hundred and ninety-three of the Law of Property Act, 1925 (which relates to the rights of the public over commons and waste lands), or of any byelaws applying to any land or affects the law of trespass to land or any right or remedy to which any person may by law be entitled in respect of any such trespass or in particular confers any right to park a vehicle on any land.

#### **15 Punishment of persons driving motor vehicles when under influence of drink or drugs.**

- (1) Any person who when driving or attempting to drive, or when in charge of, a motor vehicle on a road or other public place is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be liable—
- (a) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, and in the case of a second or subsequent conviction either to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and imprisonment;
- (b) on conviction on indictment to imprisonment for a term not exceeding six months or to a fine, or to both such imprisonment and fine.
- (2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a licence.

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- (3) A person liable to be charged with an offence under this section shall not be liable to be charged under section twelve of the Licensing Act, 1872, with the offence of being drunk while in charge, on a highway or other public place, of a carriage.
- (4) A police constable may arrest without warrant any person committing an offence under this section.

#### **16 Restriction on pillion riding.**

- (1) It shall not be lawful for more than one person in addition to the driver to be carried on any two-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat.
- (2) If any person is carried on any such cycle in contravention of the provisions of this section, the driver of the cycle shall be liable in the case of the 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.

#### **17 Requirements as to employment of drivers and attendants.**

- (1) In the case of heavy locomotives and light locomotives, two persons shall be employed in driving or attending the locomotive whilst being driven on any highway, and where any such locomotive is drawing a trailer or trailers on a highway one or more persons, in addition to the persons employed as aforesaid, shall be employed for the purpose of attending to the trailer or trailers at the rate of one such additional person for each trailer in excess of one.

Provided that this subsection shall not apply to a road roller while engaged in rolling a road.

- (2) Where a motor vehicle other than a heavy locomotive or a light locomotive is drawing a trailer or trailers on a highway, one person, in addition to the driver of the vehicle, shall be carried either on the vehicle or on a trailer for the purpose of attending to the trailer or trailers.
- (3) For the purposes of this section the expression " trailer " shall not include any vehicle used solely for carrying water for the purposes of the drawing vehicle or any agricultural vehicle not constructed to carry a load.
- (4) If any person causes or permits a motor vehicle or trailer to be driven or drawn in contravention of this section, he shall be guilty of an offence.
- (5) The Minister may by regulation vary the requirements of this section in respect of any class or description of motor vehicles or any class or description of trailers.

#### **18 Restriction on the number of trailers drawn.**

- (1) The number of trailers, if any, which may be drawn by a motor vehicle on a highway shall not exceed—
  - (a) in the case of a heavy locomotive or light locomotive, three;
  - (b) in the case of a motor tractor, one, if laden, or two, if unladen;
  - (c) in the case of a motor car or a heavy motor car, one;

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or such less number as may be prescribed in relation to vehicles of the respective classes aforesaid.

- (2) For the purposes of this section the expression " trailer " shall not include any vehicle used solely for carrying water for the purposes of the drawing vehicle or any agricultural vehicle not constructed to carry a load.
- (3) If any person causes or permits a trailer to be drawn in contravention of this section, he shall be guilty of an offence.

**19 Limitation of time for which drivers of certain vehicles may remain continuously on duty.**

- (1) With a view to protecting the public against the risks which arise in cases where the drivers of motor vehicles are suffering from excessive fatigue, it is hereby enacted that it shall not be lawful in the case of—
  - (a) any public service vehicle within the meaning of Part IV of this Act;
  - (b) any heavy locomotive, light locomotive or motor tractor; or
  - (c) any motor vehicle constructed to carry goods other than the effects of passengers;

for any person to drive or cause or permit any person employed by him or subject to his orders to drive—

- (i) for any continuous period of more than five hours and one half; or
- (ii) for continuous periods amounting in the aggregate to more than eleven hours in any period of twenty-four hours commencing two hours after midnight; or
- (iii) so that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours calculated from the commencement of any period of driving:

Provided that it shall be a sufficient compliance with the provisions of paragraph (iii) if the driver has at least nine consecutive hours for rest in any such period of twenty-four hours provided that he has an interval of at least twelve consecutive hours for rest in the next following period of twenty-four hours.

- (2) For the purposes of this section—
  - (a) any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half-an-hour- in which the driver is able to obtain rest and refreshment;
  - (b) any time spent by a driver on other work in connection with a vehicle or the load carried thereby, including in the case of a public service vehicle any time spent on a vehicle while on a journey in any other capacity than as a passenger shall be reckoned as time spent in driving;
  - (c) in the case of a vehicle which is being used in the course of operations of agriculture or forestry a person shall not be deemed to be driving the vehicle or to be spending time on work in connection with the vehicle or the load carried thereby so long as the vehicle is elsewhere than on a road.
- (3) The Minister may, on the application of a joint industrial council, conciliation board, or other similar body, or on a joint application by such organisations, representative of employers and workpeople in the industry, as the Minister of Labour may certify to be proper bodies to make such an application, and after referring the matter to the Industrial Court for advice, by order vary the periods of time prescribed in this section,

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provided that he is of opinion that such variation is not likely to be detrimental to the public safety.

Any order made under this subsection may be revoked or varied by a subsequent order made in like manner and subject to the like conditions.

- (4) If any person acts in contravention of this section, he shall be guilty of an offence:

Provided that a person shall not be liable to be convicted under this section if he proves to the court that the contravention was due to unavoidable delay in the completion of any journey arising out of circumstances which he could not reasonably have foreseen.

- (5) This section shall not apply to motor vehicles used for fire brigade or ambulance purposes.

## **20 Duty to give name and address and to stop and power of arrest in certain cases.**

- (1) If the driver of a motor vehicle who is alleged to have committed an offence under the foregoing provisions of this Act as to reckless or dangerous driving or careless driving 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, he shall be guilty of an offence.
- (2) Any police constable may arrest without warrant the driver of any motor vehicle who within his view commits any offence under the provisions of this Act as to reckless or dangerous driving or careless driving, unless the driver either gives his name and address or produces his licence for examination.
- (3) Any person driving a motor vehicle on a road shall stop the vehicle on being so required by a police constable in uniform, and if he fails so to do shall be liable to a fine not exceeding five pounds.

## **21 Restrictions on prosecutions under the preceding sections.**

Where a person is prosecuted for an offence under any of the provisions of this Part of this Act relating respectively to the maximum speed at which motor vehicles may be driven, to reckless or dangerous driving, and to careless driving 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 an offence under some one or other of the provisions aforesaid would be taken into consideration; or
- (b) within fourteen days of the commission of the offence a summons 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 served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that—

- (i) Failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that—
  - (1) neither the name and address of the accused nor the name and address of the registered owner of the vehicle, could with reasonable diligence

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- have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or
- (2) the accused by his own conduct contributed to the failure; and
- (ii) the requirement of this section shall in every case be deemed to have been complied with unless and until the contrary is proved.

#### *Accidents.*

### **22 Duty to stop in case of accident.**

- (1) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle or animal, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle.
- (2) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a police station or to a police constable as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.
- (3) In this section, the expression " animal " means any horse, cattle, ass, mule, sheep, pig, goat, or dog.
- (4) If any person fails to comply with this section, he shall be guilty of an offence.

### **23 Inquiries into accidents.**

- (1) Where an accident arises out of the presence of a motor vehicle on a road, the Minister may direct inquiry to be made into the cause of the accident.
- (2) Where any such accident has occurred, any person authorised by the Minister in that behalf may, on production if so required of his authority, inspect any vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time any premises where the vehicle is, and if any person obstructs any person so authorised in the performance of his duty under this subsection, he shall be guilty of an offence.
- (3) If in any case the Minister considers that any inquiry to be made by him under this section should be made by means of the holding of a public inquiry, he may direct a public inquiry to be held.
- (4) Any report made by or to the Minister as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

#### *Provisions as to Weight and Weighing of Motor Vehicles.*

### **24 Power of highway and bridge authorities to authorise on specified roads carriage of greater weights.**

- (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

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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 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 the expression " highway authority " includes any person responsible for the maintenance of a road.

## **25 Power to prohibit the use of bridges by motor vehicles.**

- (1) Where the bridge authority of any bridge over which a road passes are satisfied that the bridge is insufficient either—
- (a) to carry a motor vehicle of which the weight exceeds a certain maximum weight; or
  - (b) to carry a motor vehicle of which the weight exceeds a certain maximum weight when travelling at more than a certain maximum speed,

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, as the case may be, either by a vehicle weighing more than a weight specified in the notice or by a vehicle weighing more than a weight specified in the notice when travelling at more than a speed specified in the notice :

Provided that the weight specified in any such notice shall not be less than five tons and shall not exceed the aggregate of the maximum weights permitted for the time being for a heavy locomotive and the trailers drawn thereby when crossing a bridge.

For the purposes of this section, the expression " 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, and the highway authority of any such road shall give to the bridge authority reasonable facilities for placing thereon any such notice as aforesaid.

- (2) If a motor vehicle is driven across a bridge in the case of which a notice has been so placed as aforesaid in contravention of the notice without the consent of the bridge authority, any person who so drives it or causes or permits it to be so driven shall be guilty of an offence without prejudice, however, to any civil liability of that person in the case of damage being caused to the bridge.
- (3) For the purposes of this section, weight means weight laden, and the weight of a vehicle means, in relation to a vehicle drawing a trailer, the aggregate of the weights of the vehicle and the trailer, and where the maximum permissible weight laden of any vehicle or trailer is indicated by marks placed thereon in accordance with any Act, order or regulation for the time being in force, the weight of the vehicle or trailer shall



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be taken not to be less than the weight so indicated unless the person charged with an offence under subsection (2) of this section proves to the satisfaction of the court that at the time of passing over the bridge the weight of the vehicle or trailer, as the case may be, was some less weight.

- (4) Where a notice has been so placed as aforesaid any person who causes or permits any motor vehicle, being either a heavy locomotive, light locomotive, motor tractor or heavy motor car to stop on the bridge or to be driven on the bridge while another vehicle of any such class as aforesaid or a tramcar or trolley vehicle is on the bridge shall be guilty of an offence, without prejudice, however, to any civil liability of that person in the case of damage being caused to the bridge.
- (5) Any person or body of persons aggrieved by any restriction or prohibition placed on the use of a bridge under this section, may appeal to the Minister, and the Minister, if - he considers that the bridge is sufficient, as the case may be, to bear a vehicle of a weight greater than the weight specified in the notice, or a vehicle of a weight greater than the weight specified in the notice travelling at a speed greater than the speed so specified, after considering any representations made by the bridge authority, may order the restriction or prohibition to be removed or to be varied in such manner as he may direct, and the authority by whom the restriction or prohibition has been imposed shall comply within such time as may be specified in the order of the Minister with that order, and if they fail to do so the Minister may cause the notice to be removed or varied so as to comply with the order and recover summarily as a civil debt from the authority by whom the notice was placed as aforesaid the expenses incurred by him in so doing.
- (6) The Minister instead of himself determining any appeal under this section may refer the matter of the appeal to an arbitrator to be appointed, in default of agreement between the parties to the appeal, by the Minister.  
  
On any such arbitration the arbitrator shall have power to make any such order as the Minister has power to make under subsection (5) of this section, and for the purposes of this section any order made by the arbitrator shall be deemed to be the order of the Minister.
- (7) An order of the Minister under this section with regard to any bridge shall not prevent the imposition of any restriction or prohibition with regard to the bridge at any future time if the authority empowered to impose the restriction or prohibition consider that it is necessary to do so having regard to any change in the circumstances of the bridge or the traffic, but the imposition of any such restriction or prohibition shall be subject to appeal under this section.
- (8) The Minister may refuse to consider any appeal under this section with regard to any bridge if the question raised by the appeal has already been considered under a former appeal.

## **26 Method of calculating weight.**

For the purposes of this Part of this Act, and of any other enactment relating to the use of motor vehicles on roads, the weight unladen of any 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.

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## **27 Weighing of motor vehicles, and &c.**

- (1) Subject to any regulations, it shall be lawful for any person authorised by a highway authority, or for any 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 any 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 any person in charge of a motor vehicle refuses or neglects to comply with any such requirement, he shall be guilty of an offence :

Provided that it shall not be lawful for any 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 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.
- (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) It shall be lawful for a highway authority to erect and maintain, or to join with any other highway authority in erecting and maintaining, weighbridges or other machines for weighing vehicles or to contribute towards the cost of the erection and maintenance of any such weighbridge or other machine by any other authority or person.
- (5) Any expenses incurred by a highway authority under this section shall be defrayed, in the case of a county council, as expenses for general county purposes, and in the case of a borough or district council, as general expenses incurred by the council in the execution of the Public Health Acts, 1875 to 1926, and the erection or making a contribution towards the erection of any such weighbridge or other machine shall be a purpose for which the highway authority may borrow in the case of a county council under the Local Government Act, 1888, and in the case of a borough or district council under and subject to the provisions of the Public Health Acts, 1875 to 1926.

*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 :

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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.

## **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;

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- (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 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

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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 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.