



Road Traffic Act 1930

1930 CHAPTER 43

PART III

AMENDMENT OF LAW RELATING TO HIGHWAYS.

45 Issue by Minister of directions for guidance of users of roads.

- (1) The Minister shall as soon as may be after the commencement of this Act prepare a code (in this section referred to as the "highway code") comprising such directions as appear to him to be proper for the guidance of persons using roads and may from time to time revise the code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.
- (2) The highway code and any alterations proposed to be made in the provisions of the code on any revision thereof, shall, as soon as prepared by the Minister, be laid before both Houses of Parliament, and the code or revised code, as the case may be, shall not be issued until the code or the proposed alterations have been approved by both Houses.
- (3) Subject to the foregoing provisions of this section, the Minister shall cause the code and every revised edition of the code to be printed and issued to the public at a price not exceeding one penny for each copy.
- (4) A failure on the part of any person to observe any provision of the highway code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

46 Power to restrict use of vehicles on specified roads.

- (1) The Minister may, on the application of a council to which this section applies and after holding, if he thinks fit, a public inquiry, by order prohibit or restrict, subject to such exceptions and conditions as to occasional user or otherwise as may be specified in the order, the driving of vehicles, or of any specified class or description of vehicles,

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on any specified road within the area of the council in any case in which he is satisfied that any such vehicles cannot be used, or cannot without restriction be used, on that road without endangering the safety of the vehicles or the persons therein, or of other persons using the road, or that the road is unsuitable for use or for unrestricted use by any such vehicles.

- (2) The Minister may on the application of a council to which this section applies or the governing body of any university in the receipt of a grant from public moneys and after holding, if he thinks fit, a public inquiry, make an order for any of the following purposes :—
- (a) the specification of the routes to be followed by vehicles;
 - (b) the prohibition or restriction of the use of specified roads by vehicles of any specified class or description, either generally or during particular hours;
 - (c) the prohibition of the driving of vehicles on any specified road otherwise than in a specified direction;
 - (d) otherwise in relation to the regulation of traffic.

Provided that no order shall be made under this subsection with respect to any road which would have the effect of preventing such access as may be reasonably required for vehicles of any class or description to any premises situated on or adjacent to the road.

- (3) The Minister may at any time after giving notice to the council on whose application an order under this section, or an order under the corresponding provision of any enactment repealed by this Act, was made and after holding, if he thinks fit a public inquiry, revoke, vary or amend the order.
- (4) Where an order is made under this section the council on whose application the order, or the original order, was made shall publish in such manner as may be prescribed notice of the fact that the order has been made and of its effect.
- (5) The provisions contained in the Second Schedule to this Act shall have effect with respect to applications and inquiries under this section.
- (6) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of an order made under this section 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.
- (7) No order made under this section shall apply to the driving of any tramcar or trolley vehicle in pursuance of the powers of any special Act of Parliament or order having the force of an Act.
- (8) The councils to which this section applies are the councils of counties or county boroughs or of urban districts having a population of over twenty thousand according to the last census for the time being.
- (9) In the case of the administrative county of London an application under this section may be made by a highway authority as respects any road vested in them.

47 Power of highway authority temporarily to prohibit or restrict traffic on roads.

- (1) Subject to the provisions of this section, if a highway authority are satisfied that traffic on any road for the maintenance of which they are responsible should, by reason of works of repair or reconstruction being required or being in progress on the road, be

restricted or prohibited, they may by order restrict or prohibit the use of that road or of any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as they may consider necessary.

- (2) Subject to the provisions of this section, a highway authority shall, not less than seven days before making an order under this section, cause notice of their intention to make the order to be published in one or more newspapers circulating in the district in which the road or part of a road affected by the order is situate, and shall also within a period of seven days after making any such order cause a notice of the making of the order to be published in the like manner.

Every such notice shall contain a statement of the effect of the order and a description of the alternative route or routes available for traffic.

- (3) A highway authority, when considering the question of the making of an order under this section, shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order.
- (4) No order made under this section shall, without the approval of the Minister, continue in force for a longer period than three months from the making thereof, and where the Minister gives his approval to an order continuing in force after the expiration of that period, the authority shall give such notice of the Minister's approval as may be directed by him.
- (5) So long as any order made under this section is in force, a notice stating the effect of the order, and describing the alternative route or routes available for traffic, shall be kept posted in a conspicuous manner at each end of the part of the road to which the order relates, and at the points at which it will be necessary for vehicles to diverge from the road.
- (6) A highway authority may at any time by notice restrict or prohibit temporarily the use of any road or any part of any road by vehicles or by vehicles of any particular class or description where owing to the likelihood of danger to the public or of serious damage to the highway, it appears to them necessary that such restriction or prohibition should come into force without delay.

Any such notice shall describe the alternative route or routes available for traffic, and shall be kept posted in accordance with the provisions of the last preceding subsection, and shall not continue in force for a longer period than seven days from the date thereof; but, where such a notice has been posted, the authority may before the expiration of that period, proceed to make an order under subsection (1) of this section with respect to the same road or part of a road without causing notice of their intention to make such order to be published in any newspaper.

- (7) Any person who uses or permits the use of a vehicle in contravention of any restriction or prohibition imposed under this section 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.
- (8) Any person aggrieved by any restriction or prohibition imposed under this section may appeal to the Minister who may either quash the restriction or prohibition or confirm it with or without modifications, and the Minister's decision shall be final and conclusive.

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- (9) No restriction or prohibition imposed under this section shall apply to the driving of any tramcar or trolley vehicle in pursuance of the powers of any special Act of Parliament or order having the force of an Act.

48 Erection of notice boards, &c.

- (1) Subject to and in conformity with such general or other directions as may be given by the Minister a highway authority may cause or permit traffic signs to be placed on or near any road in their area:
- (2) Traffic signs shall be of the prescribed size, colour, and type except where the Minister authorises the erection of a sign of another character.
- (3) After the commencement of this Act no traffic signs shall be placed on or near any road except under and in accordance with the preceding provisions of this section:

Provided that nothing in this subsection shall apply to any notice in respect of the use of a bridge or to any traffic sign placed by the owners or workers of any tramway, light railway, or trolley vehicle undertaking, any dock undertaking or any harbour undertaking in pursuance of powers conferred by any special Act of Parliament or order having the force of an Act.

- (4) The highway authority shall by notice in writing require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it, and if any person fails to comply with such a notice the highway authority may themselves effect the removal, doing as little damage as may be, and may recover summarily as a civil debt from the person so in default the expense incurred by them in so doing:

Provided that the provisions of this subsection shall not apply in the case of any sign or object so long as its retention is expressly authorised by the highway authority.

- (5) A highway authority shall, if so directed by the Minister, remove or cause to be removed any traffic sign or any such object as is mentioned in subsection (4) of this section.
- (6) A bridge authority shall, if so directed by the Minister, remove, or cause to be removed, any notice in respect of the use of a bridge placed under any Act or Order repealed by this Act, or by any Order under this Act.
- (7) If a highway or bridge authority fails to comply with any direction, given under either of the preceding subsections, the Minister may himself effect the removal, and may recover summarily as a civil debt from the authority the expenses incurred by him in so doing.
- (8) A highway or bridge authority and the Minister may enter any land and exercise such other powers as may be necessary for the purpose of the exercise and performance of their powers and duties under this section.
- (9) In this Part of this Act, the expression " traffic sign," includes all signals, warning sign posts, direction posts, signs, or other devices for the guidance or direction of persons using roads; and in this section the expression " highway authority " includes any person responsible for the maintenance of a road.

49 Penalties for neglect of traffic directions.

Where a police constable is for the time being engaged in the regulation of traffic in a road, or where any traffic sign being a sign for regulating the movement of traffic or indicating the route to be followed by traffic, has been lawfully placed on or near any road in accordance with the provisions of the last preceding section, any person driving or propelling any vehicle who—

- (a) neglects or refuses to stop the vehicle or to make it proceed in or keep to a particular line of traffic when directed so to do by the police constable in the execution of his duty; or
- (b) fails to conform to the indication given by the sign, shall be guilty of an offence.

50 Leaving vehicles in dangerous positions.

If any person in charge of a vehicle causes or permits the vehicle or any trailer drawn thereby to remain at rest on any road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, he shall be guilty of an offence.

51 Provisions with respect to stretching of ropes, and c, across highways.

Any person who for any purpose places or causes to be placed any rope, wire or other apparatus across a highway or any part thereof in such a manner as to be likely to cause danger to persons using the highway shall, unless he proves that he had taken all necessary means to give adequate warning of the danger, be guilty of an offence.

52 Exemption of agricultural machines from 5 and 6 Will. 4 c. 50 s. 70.

The restrictions contained in section seventy of the Highways Act, 1835, on the erection of machines and machinery within twenty-five yards of a highway shall not apply so as to prohibit any machines or mechanically propelled vehicles from being used for purposes connected with agriculture, forestry, building operations, or the repair, maintenance or construction of roads.

53 Provisions with respect to the transfer of toll bridges and toll roads to local authorities.

- (1) Where a person is, under any special Act or charter, authorised to charge tolls in respect of the use of any bridge or road, the council of the county, county borough, or urban district within whose area the bridge or road is situate—

- (a) may agree with that person that he shall, upon such terms as may be agreed, transfer to them; or
- (b) subject to the provisions of this section, may by written notice to treat require that person to transfer to them

either all his property, rights, and obligations under the special Act or charter (being property, rights or obligations connected with the bridge or road, or such of them as may be specified in the agreement, or, as the case may be, the notice to treat.

- (2) Upon the making of a transfer under the preceding subsection—
- (a) the bridge or road shall—

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- (i) in the case of a transfer to a county council become vested in and repairable by the council as a county bridge or a county road; and
 - (ii) in the case of a transfer to any other council become vested in and repairable by the council as an ordinary bridge or an ordinary road,
- and the provisions of all general enactments relating to bridges and roads shall become applicable to it accordingly;
- (b) the right to take tolls and any other property, right, or obligation transferred shall vest in and be imposed upon and exercisable by the council, but a right to take tolls so transferred shall continue to be exercisable for such number of years only as may be allowed by the Minister in the particular case.
- (3) The consideration to be paid to any person for a compulsory transfer under this section shall, in default of agreement, be determined by an official arbitrator in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, and subject to any agreement with respect to the date of transfer the person upon whom a notice to treat has been served under this section shall upon payment to him of the consideration determined in the manner aforesaid transfer to the council all such property, rights, obligations and liabilities vested in or imposed upon him as are required by the notice to treat to be so transferred.
 - (4) The payment of the consideration for a transfer under this section shall be a purpose for which a council may borrow under the enactments applicable to the council as a highway authority.
 - (5) A council in whose area part only of a bridge or road is situate shall have in relation to that bridge or road the same powers as they would have had under subsection (1) of this section if the bridge or road had been wholly situate within their area, but shall not exercise those powers except in pursuance of an agreement made under the next succeeding subsection.
 - (6) Any two or more councils having under either subsection (1) or subsection (5) of this section powers in relation to any bridge or road may, subject to the approval of the Minister, enter into agreements with respect to the exercise of those powers by one council on behalf of the other or others of them and with respect to the making of contributions by any of them towards the expenses of any action so taken, and where those powers are exercised in pursuance of any such agreement, the transfer of the bridge or road and any other property, rights and obligations to be transferred, shall be made to such council or councils as may be provided by the agreement.
 - (7) The provisions of this section with respect to compulsory transfers shall not apply in relation to any bridge or road vested in a statutory dock authority as such or in a statutory harbour authority as such nor in relation to the property in the structure of any bridge vested in a railway company.

54 Provisions as to extraordinary traffic.

- (1) Where as respects any road it appears to the highway authority by a certificate of their surveyor that having regard to the average expense of repairing the road or other similar roads in the neighbourhood extraordinary expenses have been incurred by the authority in repairing the road by reason of the damage caused by excessive weight passing along the road, or other extraordinary traffic thereon, the highway authority may recover from any person (hereinafter referred to as "the undertaker") by or in consequence of whose order the traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognizance of the

case to have been incurred by the highway authority by reason of the damage arising from the extraordinary traffic:

Provided that, if before traffic which may cause such damage commences the undertaker admits liability in respect of such traffic, the undertaker and the highway authority may agree for the payment by the undertaker to the highway authority of a sum by way of a composition of such liability, or either party may require that the sum to be so paid shall be determined by arbitration; and where a sum has been so agreed or determined as aforesaid the undertaker shall be liable to pay that sum to the highway authority, and shall not be liable to proceedings for the recovery of such expenses as aforesaid.

- (2) The sums recoverable under this section shall be recoverable in the High Court, or if the claim does not exceed five hundred pounds, in the county court in the district of which the road or any part thereof is situate:

Provided that proceedings for the recovery of any such sums shall be commenced within twelve months of the time at which the damage has been done, or where the damage is the consequence of any particular building contract or work extending over a long period, shall be commenced not later than six months after completion of the contract or work.

- (3) This section shall not apply to the administrative county of London.

55 Power of certain authorities as to refuges and subways.

The council of an urban district as respects any road in their area (subject, however, in the case of a county road not vested in them, to the consent of the county council) and a highway authority as respects any road vested in them may, for the purpose of protecting traffic along the road from danger or of making the crossing of any road less dangerous to foot passengers, erect, light, maintain, alter and remove places of refuge in the road, and construct, light, maintain, alter, remove and temporarily close subways under the road for the use of foot passengers.

56 Power to remove structures from highways.

- (1) Where any structure has been erected or set up on a highway otherwise than under or in pursuance of any enactment the highway authority may by notice in writing require the person having control or possession of the structure to remove it within such time as may be specified in the notice.
- (2) Any person on whom any notice is served under this section may, within one month of the service of the notice, appeal to the Minister, and if it is shown to the satisfaction of the Minister that the removal of the structure within the time specified in the notice would cause undue hardship to any person, the Minister may extend the time by such period as he thinks just.
- (3) If any structure in respect of which a notice has been served under this section is not removed within the time specified in the notice, the highway authority may themselves remove the structure and recover the expense of so doing summarily as a civil debt from the person having the control or possession of the structure :

Provided that the power of the highway authority under this subsection shall not be exercised until the expiration of one month after the date of the service of the notice

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or, if an appeal has been made to the Minister against the notice, until after the appeal has been determined.

- (4) A notice under this section may be served either personally or by post.
- (5) In this section the expression " structure " includes any machine, pump post or other object of such a nature as to be capable of causing obstruction.

57 Advances from road fund.

- (1) It is hereby declared that in relation to any roads for the maintenance of which he is responsible, the Minister is a highway authority for the purposes of Part II of the Development and Road Improvement Funds Act, 1909, and, accordingly, advances out of the Road Fund may be made to the Minister in his capacity of highway authority.
- (2) The expression " improvement of roads " in the said Part II shall include the following works, that is to say, the erection, lighting, maintenance, alteration and removal of places of refuge in roads, and the construction, lighting, maintenance, alteration, and removal of subways under roads for the use of foot passengers, and advances may be made out of the Road Fund towards the costs incurred by the council of an urban district in connection with the execution of any such works in a county road.
- (3) Advances may be made out of the Road Fund towards the expenses incurred by any highway authority in the erection of weighbridges or other machines for weighing vehicles, or towards any sum paid by a highway authority to a person in consideration of his allowing a weighbridge or other weighing machine to be used for weighing motor vehicles or trailers.
- (4) Advances may be made out of the Road Fund towards any expenses incurred by a police authority in the provision and maintenance of vehicles or equipment for use by the police force in connection with the enforcement of this Act.
- (5) The provisions of the Development and Road Improvement Funds Act, 1909, as amended by any subsequent enactment, shall apply in relation to advances made under subsections (3) and (4) of this section as they apply in relation to advances to a highway authority under Part II. of the said Act.

58 Provision of footpaths and grass or other margins.

It is hereby declared to be the duty of a highway authority to provide wherever they shall deem it necessary or desirable for the safety or accommodation of foot passengers proper and sufficient footpaths by the side of roads under their control, and to provide wherever they shall deem it necessary or desirable for the safety or accommodation of ridden horses and driven livestock adequate grass or other margins by the side of the roads under their control.

59 Regulations.

- (1) The Minister may make regulations—
 - (a) for prescribing anything which under this Part of this Act may be prescribed, and for regulating the number, nature and use of brakes, including skid pans and locking chains, in the case of vehicles drawn by horses or other animals, or any class or description of such vehicles, when used on roads, and for securing that such brakes shall be efficient and kept in proper working order and for

- empowering persons authorised by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere; and
- (b) for prescribing the appliances to be fitted to bicycles or tricycles, not being motor vehicles, for signalling their approach when used on roads and for securing that the riders of such vehicles shall by means of such appliances as aforesaid give audible and sufficient warning of their approach; and
 - (c) for making provision for the removal from roads of vehicles which have broken down and of the loads carried thereby or of vehicles which have been left in a dangerous position on a road.
- (2) Regulations under this section may provide for repealing any byelaws dealing with the same subject matter as the regulations, and for suspending whilst the regulations remain in force any power of making any such byelaws.

60 Application to Scotland.

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

- (a) Subsection (1) of section forty-six of this Act shall apply to a county council and to the town council of a large burgh, as defined, in the Local Government (Scotland) Act, 1929:
- (b) Subsection (2) of section forty-six of this Act shall apply to a county council:
- (c) In lieu of the provisions of subsection (2) of section fifty-four of this Act, other than the proviso thereto, the following provision shall have effect—

Any sums recoverable under this section shall be recoverable if not exceeding fifty pounds before the sheriff, whose decision shall be final, and, if exceeding that sum, either before the sheriff subject to an appeal to the Court of Session, or in the Court of Session:
- (d) For the reference to the restrictions contained in section seventy of the Highways Act, 1835, there shall be substituted a reference to the restrictions on the erection of steam engines within one hundred yards of a highway contained in section one hundred and seven of the Act First and Second William the Fourth, Chapter forty-three, as incorporated with and extended and applied by the Roads and Bridges (Scotland) Act, 1878 :
- (e) Section fifty-three of this Act shall have effect as if for any reference to the council of a county borough or urban district there were substituted a reference to the town council of a burgh charged with the maintenance and management of any of the highways therein, and as if paragraph (a) of subsection (2) were omitted therefrom, and on any transfer under the said section of a road or bridge to a county or town council the road or bridge shall become vested in and maintainable by such council as a highway, and the provisions of all general enactments relating to highways shall become applicable accordingly;
- (f) The Highways (Scotland) Act, 1771, is hereby repealed.