



# Transport Act 1981

## 1981 CHAPTER 56

### PART IV

#### ROAD SAFETY

#### 19 Disqualification for repeated offences

- (1) Where a person is convicted of an offence involving obligatory or discretionary disqualification and the court does not order him to be disqualified (whether on that or any other conviction) but orders particulars of the conviction to be endorsed under section 101 of the 1972 Act, the endorsement ordered shall include—
  - (a) particulars of the offence, including the date when it was committed; and
  - (b) the number of penalty points shown in respect of the offence in Schedule 7 to this Act (or, where a range of numbers is so shown, a number falling within the range);but if a person is convicted of two or more such offences the number of penalty points to be endorsed in respect of those of them that were committed on the same occasion shall be the number or highest number that would be endorsed on a conviction of one of those offences.
- (2) Where a person is convicted of an offence involving obligatory or discretionary disqualification and the penalty points to be taken into account under subsection (3) number twelve or more, the court shall order him to be disqualified for not less than the minimum period defined in subsection (4) unless the court is satisfied, having regard to all the circumstances not excluded by subsection (6), that there are grounds for mitigating the normal consequences of the conviction and thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.
- (3) The penalty points to be taken into account on the occasion of a person's conviction are—
  - (a) any that on that occasion will be ordered to be endorsed on any licence held by him or would be so ordered if he were not then ordered to be disqualified; and

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- (b) any that were on a previous occasion ordered to be so endorsed, unless the offender has since that occasion and before the conviction been disqualified, whether under subsection (2) or under section 93 of the 1972 Act;
- but if any of the offences was committed more than three years before another the penalty points in respect of that offence shall not be added to those in respect of the other.
- (4) The minimum period referred to in subsection (2) is—
- (a) six months if no previous disqualification imposed on the offender is to be taken into account; and
  - (b) one year if one, and two years if more than one, such disqualification is to be taken into account;
- and a previous disqualification imposed on an offender is to be taken into account if it was imposed within the three years immediately preceding the commission of the latest offence in respect of which penalty points are taken into account under subsection (3).
- (5) Where an offender is convicted on the same occasion of more than one offence involving obligatory or discretionary disqualification—
- (a) not more than one disqualification shall be imposed on him under subsection (2); and
  - (b) in determining the period of the disqualification the court shall take into account all the offences; and
  - (c) for the purposes of any appeal any disqualification imposed under subsection (2) shall be treated as an order made on the conviction of each of the offences.
- (6) No account is to be taken under subsection (2) of—
- (a) any circumstances that are alleged to make the offence or any of the offences not a serious one;
  - (b) hardship, other than exceptional hardship ; or
  - (c) any circumstances which, within the three years immediately preceding the conviction, have been taken into account under that subsection in ordering the offender to be disqualified for a shorter period or not ordering him to be disqualified.
- (7) For the purposes of this section—
- (a) an order for endorsement which was made before the commencement of this section counts as an order made in pursuance of subsection (1) for the endorsement of 3 penalty points, unless a disqualification was imposed on the offender on that or any subsequent occasion; and
  - (b) circumstances which have been taken into account under section 93(3) of the 1972 Act in ordering an offender to be disqualified for a shorter period or not ordering him to be disqualified shall be treated as having been so taken into account under subsection (2) of this section.
- (8) The Secretary of State may by order made by statutory instrument—
- (a) alter the number of penalty points shown in Schedule 7 in respect of an offence (or, where a range of numbers is shown, alter that range); and
  - (b) provide for different numbers to be so shown in respect of the same offence committed in different circumstances ;

but no such order shall be made unless a draft of it has been laid before Parliament and approved by resolution of each House of Parliament.

- (9) References in this section to disqualification do not include a disqualification imposed under section 103 of the 1972 Act (interim disqualification on committal to Crown Court) or section 44 of the Powers of Criminal Courts Act 1973 (disqualification by Crown Court where vehicle was used for commission of offence).

## **20 Removal of disqualification**

Where, in pursuance of section 93(5) of the 1972 Act, a period of disqualification was imposed on an offender in addition to any other period or periods then, for the purpose of determining whether an application may be made under section 95 of that Act for the removal of either or any of the disqualifications the periods shall be treated as one continuous period of disqualification.

## **21 Offender escaping consequences of endorseable offence by deception**

- (1) Where—
- (a) in dealing with a person convicted of an endorseable offence a court was deceived regarding any circumstances that were or might have been taken into account in deciding whether or for how long to disqualify him ; and
  - (b) the deception constituted or was due to an offence committed by that person; then, if he is convicted of that offence, the court by or before which he is convicted shall have the same powers and duties regarding an order for disqualification as had the court which dealt with him for the endorseable offence but shall in dealing with him take into account any order made on his conviction of the endorseable offence.
- (2) In this section " endorseable offence " means an offence involving obligatory or discretionary disqualification.

## **22 Seizure of licence required to be produced in court**

The following subsection is inserted after subsection (3) of section 161 of the 1972 Act: —

“(3A) Where a person has been required under section 101(4) of this Act to produce a licence to the court and fails to do so a constable may require him to produce it and, upon its being produced, may seize it and deliver it to the court.”.

## **23 Provisional licences and driving tests**

- (1) In section 88(1) of the 1972 Act the following words are inserted after paragraph (d): —

“but regulations may authorise or require the Secretary of State to refuse a provisional licence authorising the driving of a motor cycle of a prescribed class if the applicant has held such a provisional licence and the licence applied for would come into force within the prescribed period beginning at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor cycle or beginning at such other time as may be prescribed.”.

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(2) In section 88 of the 1972 Act the following is substituted for paragraph (c) of subsection (2) (provisional licence not to authorise driving of certain motor cycles): —

“(c) shall not authorise a person, before he has passed the test of competence to drive prescribed under section 85 of this Act, to drive a motor cycle having two wheels only, unless it is a learner motor cycle as defined in subsection (2A) below or its first use (as defined in regulations) occurred before 1st January 1982 and the cylinder capacity of its engine does not exceed 125 cubic centimetres;”

and after that subsection there are inserted the following subsections : —

“(2A) A learner motor cycle is a motor cycle which either is propelled by electric power or has the following characteristics—

- (a) the cylinder capacity of its engine does not exceed 125 cubic centimetres;
- (b) the maximum power output of its engine does not exceed 9 kilowatts (as measured in accordance with International Standards Organisation standard 4106-1978.09.01); and
- (c) its power to weight ratio does not exceed 100 kilowatts per metric tonne, the power being the maximum power output mentioned in paragraph (b) above and the weight that mentioned in subsection (2B) below.

(2B) The weight referred to in subsection (2A) above is the weight of the motor cycle with a full supply of fuel in its tank, an adequate supply of other liquids needed for its propulsion and no load other than its normal equipment, including loose tools.”.

(3) In section 88(4) of the 1972 Act the following is substituted for paragraph (b) (full licence not to be available as provisional licence for certain motor cycles): —

“(b) unless he has passed the test there mentioned, a motor cycle which, by virtue of subsection (2)(c) above, a provisional licence would not authorise him to drive before he had passed that test”.

(4) In subsection (1) of section 89 of the 1972 Act (duration of licences)—

- (a) at the end of the words preceding the paragraphs there are added the words " subject to subsection (1A) below ";
- (b) in paragraph (a) for the words " (b) or (c)" there are substituted the words " or (b) ";
- (c) in paragraph (aa) the words " or (c)" are omitted and the word " and " is added at the end ; and
- (d) paragraph (c) and the " and " preceding it are omitted.

(5) After subsection (1) of section 89 of the 1972 Act there is inserted the following subsection: —

“(1A) To the extent that a provisional licence authorises the driving of a motor cycle of a prescribed class it shall, unless previously surrendered or revoked, remain in force for such period as may be prescribed or, if the licence is granted to the holder of a previous licence which was surrendered, revoked or treated as being revoked, for the remainder of the period for which the previous licence would have authorised the driving of such a motor cycle, or, in such circumstances as may be prescribed, for a period equal to that remainder at the time of surrender or revocation.”.

- (6) If regulations under subsection (2) of section 85 of the 1972 Act make provision for a test of competence to drive to consist of separate parts—
- (a) they may make for each part any provision that could be made for a test not consisting of separate parts, and provision for the supply by the Secretary of State of forms for certificates evidencing the results and for charges to be made for the supply; and
  - (b) subsection (3) of that section (appeals) shall apply in relation to each part as well as in relation to the whole of the test.
- (7) In section 85(2)(b) of the 1972 Act (fees for driving tests) after " such amount as may be specified in the regulations " there is inserted " or, in such cases as may be prescribed, specified by such person as may be prescribed ".

## **24 Electrically assisted pedal cycles**

- (1) In section 193(1) of the 1972 Act and in section 103(1) of the Road Traffic Regulation Act 1967 (certain vehicles not to be treated as motor vehicles) the following is inserted at the end of paragraph (b): "and
- (c) an electrically assisted pedal cycle of such class as may be prescribed by regulations so made".
- (2) An electrically assisted pedal cycle of a class specified in regulations made for the purposes of section 193 of the 1972 Act and section 103 of the Road Traffic Regulation Act 1967 shall not be driven on a road by a person under the age of fourteen; and if any person—
- (a) drives such a pedal cycle ; or
  - (b) knowing or suspecting that another person is under the age of fourteen, causes or permits him to drive such a pedal cycle;
- in contravention of this subsection he shall be guilty of an offence.
- (3) An offence under subsection (2) above shall be punishable on summary conviction with a fine not exceeding £50.

## **25 New provisions as to offences relating to alcohol and drugs**

- (1) In section 5 of the 1972 Act (driving etc. under influence of drink or drugs) the following is added at the end of subsection (3): —
- “but in determining whether there was such a likelihood the court may disregard any injury to him and any damage to the vehicle.”.
- (2) The following is substituted for subsection (5) of that section: —
- “(5) A constable may arrest a person without warrant if he has reasonable cause to suspect that that person is or has been committing an offence under this section.
  - (6) For the purpose of arresting a person under the power conferred by subsection (5) above a constable may enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.

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(7) Subsection (6) above does not extend to Scotland and nothing in that subsection shall affect any rule of law in Scotland concerning the right of a constable to enter any premises for any purpose.”.

- (3) For sections 6 to 12 of the 1972 Act there are substituted the sections set out in Schedule 8.
- (4) An offence under section 7(4) set out in Schedule 8 shall be included among the offences involving discretionary disqualification (within the meaning of Part III of the 1972 Act).

## **26 Increase of penalty for failure to stop, etc.**

- (1) In Schedule 4 to the 1972 Act, in the entry relating to section 25(4) (failure to stop, etc., after accident), for " £100 " there is substituted " £1,000 ".
- (2) Subsection (1) does not apply to offences committed before the commencement of this section.

## **27 Compulsory wearing of seat belts**

- (1) After section 33 of the Road Traffic Act 1972 there shall be inserted the following section: —

### **“33A Wearing of seat belts.**

- (1) The Secretary of State may make regulations requiring, subject to such exceptions as may be prescribed, persons who are driving or riding in motor vehicles on a road to wear seat belts of such description as may be prescribed.
- (2) Regulations under this section—
- (a) may make different provision in relation to different classes of vehicles, different descriptions of persons and different circumstances ;
  - (b) shall include exceptions for—
    - (i) the users of vehicles constructed or adapted for the delivery of goods or mail to consumers or addressees, as the case may be, while engaged in making local rounds of deliveries;
    - (ii) the drivers of vehicles while performing a manoeuvre which includes reversing ;
    - (ii) any person holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt;
  - (c) may make any prescribed exceptions subject to such conditions as may be prescribed ; and
  - (d) may prescribe cases in which a fee of a prescribed amount may be charged on an application for any certificate required as a condition of any prescribed exception.
- (3) Any person who drives or rides in a motor vehicle in contravention of regulations under this section shall be guilty of an offence; but notwithstanding any enactment or rule of law no person other than the person

actually committing the contravention shall be guilty of an offence by reason of the contravention.

(4) If the holder of any such certificate as is referred to in subsection (2)(b) above is informed by a constable that he may be prosecuted for an offence under subsection (3) above, he shall not, in proceedings for that offence, be entitled to rely on the exception afforded to him by the certificate unless—

- (a) it is produced to the constable at the time he is so informed ; or
- (b) within five days after the date on which he is so informed, it is produced at such police station as he may have specified to the constable.

(5) Regulations under this section requiring the wearing of seat belts by persons riding in motor vehicles shall not apply to children under the age of fourteen years (to whom the next following section applies).”.

(2) In section 169 of the Road Traffic Act 1972 (forgery of documents, etc.) in subsection (2) (documents to which that section applies) after paragraph (b) there shall be inserted the following paragraph: —

“(bb) any certificate required as a condition of any exception prescribed under section 33A of this Act;”.

(3) In section 199 of the Road Traffic Act 1972 (exercise of regulation-making powers and Parliamentary control) the following subsection is inserted after subsection (2)—

“(2A) The following provisions apply to regulations made under section 33A above—

- (a) when the Secretary of State proposes to make the first regulations under that section he shall lay before each House of Parliament a statement explaining his proposals ; and
- (b) no draft of those first regulations shall be laid before Parliament for approval under subsection (4) below until after the expiration of the period of three months beginning with the day on which the statement was laid (or, if the statement was laid on different days, with the later of the two days); and
- (c) at the end of the period of three years beginning with the day on which the first regulations under that section came into force, all regulations in force under that section shall expire unless their continuation in force has been approved by a resolution of each House of Parliament.”

(4) In Part I of Schedule 4 to the Road Traffic Act 1972 (prosecution and punishment of offences) after the entry relating to section 33 there shall be inserted the following entry: —

“33A.	Driving or riding in a, motor vehicle in contravention of regulations requiring wearing	Summarily	£50	—	—	Sections 181 and 183 apply.”
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*Status: This is the original version (as it was originally enacted).*

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**28 Restriction on carrying children in the front of motor vehicles**

(1) After section 33 of the 1972 Act there is inserted, after the section inserted by section 27, the following section—

**“33B Restriction on carrying children in the front of motor vehicles.**

- (1) Except as provided by regulations a person shall not, without reasonable excuse, drive a motor vehicle on a road when there is in the front of the vehicle a child under the age of fourteen years who is not wearing a seat belt in conformity with regulations.
- (2) It is an offence for a person to drive a motor vehicle in contravention of subsection (1) above.
- (3) Provision may be made by regulations—
  - (a) excepting from the prohibition in subsection (1) above children of any prescribed description, vehicles of a prescribed class or the driving of vehicles in such circumstances as may be prescribed ;
  - (b) defining in relation to any class of vehicle what part of the vehicle is to be regarded as the front of the vehicle for the purposes of that subsection;
  - (c) prescribing for the purposes of that subsection the descriptions of seat belt to be worn by children of any prescribed description and the manner in which such a belt is to be fixed and used.

(4) In this section—

" regulations " means regulations made by the Secretary of State under this section; and

" seat belt" includes any description of restraining device for a child and any reference to wearing a seat belt shall, be construed accordingly.”.

(2) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences), after the entry relating to section 33A, there is inserted—

“33B.	Driving motor vehicle with, child in the front not wearing seat belt.	Summarily	£50	—	—	Sections 181 and 183 apply.”
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## **29 Persons entitled to drive when licence applied for**

- (1) After section 84(4) of the 1972 Act (under which a person may drive a vehicle without a licence if he has previously held a licence to drive vehicles of that class and has applied for and is entitled to obtain such a licence) there is inserted—

“(4A) The Secretary of State may by regulations provide that subsection (4) above shall also apply (where the requirements of that subsection are otherwise met) in the case of a person who has not previously held a licence to drive vehicles of the relevant class. Regulations under this subsection shall, if not previously revoked, expire at the end of the period of one year beginning with the day on which they came into operation.”.

- (2) In the words in parenthesis in section 199(2) of that Act (exceptions from the duty to consult before making regulations) after " section " there is inserted " 84(4A) or ".

## **30 Interpretation of Part IV and consequential and minor amendments**

- (1) In this Part " the 1972 Act " means the Road Traffic Act 1972.
- (2) Sections 19 to 21 shall be construed as if they were contained in Part III of the 1972 Act.
- (3) The 1972 Act and section 56 of the Criminal Justice Act 1967 shall have effect subject to the consequential and minor amendments specified in Schedule 9.

## **31 Commencement of Part IV**

- (1) With the exception of section 29, the provisions of this Part come into force on such day as the Secretary of State may appoint by order made by statutory instrument.
- (2) Different days may be appointed under this section for different purposes.