



# Road Traffic Act 1960

## 1960 CHAPTER 16

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD TRAFFIC

##### *Offences connected with Driving of motor Vehicles*

#### **1 Causing death by reckless or dangerous driving**

- (1) A person who causes the death of another person by the driving of 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, shall be liable on conviction on indictment to imprisonment for a term not exceeding five years.
- (2) An offence against this section shall not be triable by quarter sessions; and nothing in the foregoing subsection shall be construed as empowering a court in Scotland, other than the High Court of Justiciary, to pass for any such offence a sentence of imprisonment for a term exceeding two years.
- (3) Section twenty of the Coroners (Amendment) Act, 1926 (which makes special provision where the coroner is informed before the jury have given their verdict that some person has been charged with one of the offences specified in that section) shall apply to an offence against this section as it applies to manslaughter.

#### **2 Reckless, and dangerous, driving generally**

- (1) If a 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—

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- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment;
  - (b) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (2) If upon the trial of a person for an offence against section one of this Act the jury are not satisfied that his driving was the cause of the death but are satisfied that he is guilty of driving as mentioned in subsection (1) of this section, it shall be lawful for them to convict him of an offence under this section.
- (3) Upon the trial of a person who is indicted for manslaughter in England or Wales, or for culpable homicide in Scotland, in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

### **3 Careless, and inconsiderate, driving**

- (1) If a 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 liable on summary conviction to a fine not exceeding forty pounds, or in the case of a second or subsequent conviction to a fine not exceeding eighty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (2) Where a person is charged in England or Wales before a magistrates' court with an offence under the last foregoing section, and the court is of opinion that the offence is not proved, then, at any time during the hearing or immediately thereafter the court may, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence under this section to be preferred forthwith against the defendant and may thereupon proceed with that charge, so however that he or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charge's being so preferred, adjourn the hearing.

### **4 Speeding**

- (1) A person convicted of an offence of driving a motor vehicle on a road at a speed exceeding a statutory speed limit shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.
- (2) A person prosecuted for such an offence as aforesaid shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person prosecuted was driving the vehicle at a speed exceeding a specified limit.
- (3) The provisions of subsection (1) of this section shall have effect in substitution for any provision made by or under any enactment relating to a speed limit contained in any Act passed before the thirty-first day of July, nineteen hundred and thirty-four, or under the following provisions of this Act enabling the Minister to regulate traffic in the London Traffic Area, for determining the punishment by way of fine or imprisonment

to which a person convicted of driving a motor vehicle as aforesaid is to be liable in respect of that offence.

- (4) Notwithstanding anything in the Magistrates' Courts Act, 1952, if a person—
- (a) is convicted by virtue of section thirty-five of that Act of such an offence as is mentioned in subsection (1) of this section as having aided, abetted, counselled or procured a person who is employed by him to drive, or is subject to his orders in driving, a motor vehicle on a road to commit such an offence as aforesaid; or
  - (b) is convicted summarily of the offence of inciting to commit such an offence as aforesaid,

he shall be liable to a fine not exceeding fifty pounds, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

- (5) 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 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 the commission of such an offence as is mentioned in subsection (1) 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 such an offence as aforesaid.

## **5 Driving under age**

A person who drives, or causes or permits a person to drive, a motor vehicle in contravention of the provisions of this Act relating to the minimum age for driving motor vehicles of different classes and descriptions shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

## **6 Driving, or being in charge, when under influence of drink or drugs**

- (1) A person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be liable—
- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment;
  - (b) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment
- (2) A person who, when in charge of a motor vehicle which is on a road or other public place (but not driving the vehicle), is unfit to drive through drink or drugs shall be liable—
- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding six months or to both a fine and such imprisonment;

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- (b) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, or in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and such imprisonment.

A person shall be deemed for the purposes of this subsection not to have been in charge of a motor vehicle if he proves—

- (i) that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained unfit to drive through drink or drugs; and
  - (ii) that between his becoming unfit to drive as aforesaid and the material time he had not driven the vehicle on a road or other public place.
- (3) A person liable to be charged with an offence under this section shall not be liable to be charged—
- (a) 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, or
  - (b) under section seventy of the Licensing (Scotland) Act, 1903, with the offence of being drunk while in charge, in a street or other place, of a carriage.
- (4) A police constable may arrest without warrant a person committing an offence under this section.
- (5) Where a person convicted of an offence under subsection (2) of this section has been previously convicted of an offence under subsection (1) thereof, he shall be treated for the purposes of the said subsection (2) as having been previously convicted under that subsection.
- (6) In this section "unfit to drive through drink or drugs" means under the influence of drink or a drug to such an extent as to be incapable of having proper control of a motor vehicle.

## **7 Motor racing on highways**

A person who promotes or takes part in a race or trial of speed between motor vehicles on a public highway shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

## **8 Restriction on carriage of persons on motor cycles**

- (1) It shall not be lawful for more than one person in addition to the driver to be carried on a 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 a person is carried on a cycle in contravention of the foregoing subsection, the driver of the cycle shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

### *Offences connected with Riding of pedal Cycles*

#### **9 Reckless, and dangerous, cycling**

If a person rides a bicycle or tricycle, not being 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 on summary conviction to a fine not exceeding thirty pounds, or in the case of a second or subsequent conviction to a fine not exceeding thirty pounds or to imprisonment for a term not exceeding three months.

#### **10 Careless, and inconsiderate, cycling**

- (1) If a person rides a bicycle or tricycle, not being a motor vehicle, on a road without due care and attention, or without reasonable consideration for other persons using the road, he shall be liable on summary conviction to a fine not exceeding ten pounds, or in the case of a second or subsequent conviction to a fine not exceeding twenty pounds.
- (2) Where a person is charged in England or Wales before a magistrates' court with an offence under the last foregoing section, and the court is of opinion that the offence is not proved, then, at any time during the hearing or immediately thereafter the court may, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence under this section to be preferred forthwith against the defendant and may thereupon proceed with that charge, so however that he or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charge's being so preferred, adjourn the hearing.

#### **11 Cycling when under influence of drink or drugs**

- (1) A person who, when riding a bicycle or tricycle, not being a motor vehicle, on a road or other public place, is unfit to ride through drink or drugs shall be liable on summary conviction to a fine not exceeding thirty pounds, or in the case of a second or subsequent conviction to a fine not exceeding thirty pounds or to imprisonment for a term not exceeding three months.
- (2) A person liable to be charged with an offence under this section shall not be liable to be charged—
  - (a) 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, or
  - (b) under section seventy of the Licensing (Scotland) Act, 1903, with the offence of being drunk while in charge, in a street or other place, of a carriage.
- (3) A police constable may arrest without warrant a person committing an offence under this section.
- (4) In this section " unfit to ride through drink or drugs " means, as regards a person riding a bicycle or tricycle, under the influence of drink or a drug to such an extent as to be incapable of having proper control of it.

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## **12 Regulation of cycle racing on highways**

- (1) A person who promotes or takes part in a race or trial of speed on a public highway between bicycles or tricycles, not being motor vehicles, shall, unless the race or trial is authorised, and is conducted in accordance with any conditions imposed, by or under regulations under this section, be liable on summary conviction to a fine not exceeding ten pounds.
- (2) The appropriate Minister may by regulations authorise, or provide for authorising, for the purposes of the foregoing subsection the holding on a public highway of races or trials of speed of any class or description, or a particular race or trial of speed, in such cases as may be prescribed and subject to such conditions as may be imposed by or under the regulations, and may prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations, and regulations under this section may make different provision for different classes or descriptions of races and trials.
- (3) Without prejudice to any other powers exercisable in that behalf, the chief officer of police may give such directions with respect to the movement of, or the route to be followed by, vehicular traffic, during such period, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of the holding of a race or trial of speed authorised by or under regulations under this section, including a direction that any road or part of a road specified in the direction shall be closed during any such period to vehicles or to vehicles of a class or description so specified.
- (4) In this section "public highway" does not include a footpath or bridleway.

## **13 Restriction on carriage of persons on bicycles**

- (1) It shall not be lawful for more than one person to be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.
- (2) If a person is carried on a bicycle in contravention of the foregoing subsection, each of the persons carried shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.
- (3) In this section references to a person carried on a bicycle shall include references to a person riding the bicycle.

### *Offences connected with Traffic generally*

## **14 Drivers to comply with traffic directions**

- (1) Where a police constable is for the time being engaged in the regulation of traffic in a road, or where a traffic sign, being a sign of the prescribed size, colour and type, or of another character authorised by the appropriate Minister under the provisions in that behalf of this Act, has been lawfully placed on or near a road, a person driving or propelling a 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 comply with the indication given by the sign,  
shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.
- (2) A traffic sign shall not be treated for the purposes of this section as having been lawfully placed unless either—
- (a) the indication given by the sign is an indication of a statutory prohibition, restriction or requirement, or
  - (b) it is expressly provided by or under any provision of this Act that this section shall apply to the sign or to signs of a type of which the sign is one;
- and where the indication mentioned in paragraph (a) of this subsection is of the general nature only of the prohibition, restriction or requirement to which the sign relates a person shall not be convicted of failure to comply with the indication unless he has failed to comply with the said prohibition, restriction or requirement.
- (3) For the purposes of this section a traffic sign placed on or near a road shall be deemed to be of the prescribed size, colour and type, or of another character authorised as mentioned in subsection (1) of this section, and (subject to the last foregoing subsection) to have been lawfully so placed, unless the contrary is proved.
- (4) It shall be lawful in Scotland to convict a person of a contravention of this section on the evidence of one witness.

## **15 Pedestrians to comply with directions to stop given by constables regulating vehicular traffic**

Where a police constable in uniform is for the time being engaged in the regulation of vehicular traffic in a road, a person on foot who proceeds across or along the carriageway in contravention of a direction to stop given by the constable, in the execution of his duty, either to persons on foot or to persons on foot and other traffic, shall be liable on summary conviction to a fine not exceeding ten pounds, or in the case of a second or subsequent conviction to a fine not exceeding twenty-five pounds.

## **16 Leaving vehicles in dangerous positions**

If a person in charge of a vehicle causes or permits the vehicle or a trailer drawn thereby to remain at rest on a 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 liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

### *Restrictions on Use of motor Vehicles off Roadway*

## **17 Control of use of footpaths and bridleways for motor vehicle trials**

- (1) No person shall promote or take part in a trial of any description between motor vehicles on a footpath or bridleway unless the holding of the trial has been authorised under this section by the local authority.
- (2) A local authority shall not give an authorisation under this section unless satisfied that consent in writing to the use of any length of footpath or bridleway for the purposes of

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the trial has been given by the owner and by the occupier of the land over which that length of footpath or bridleway runs, and any such authorisation may be given subject to compliance with such conditions as the authority think fit.

- (3) A person who contravenes subsection (1) of this section, or fails to comply with any conditions subject to which an authorisation under this section has been granted, shall be liable on summary conviction to a fine not exceeding fifty pounds.
- (4) No statutory provision prohibiting or restricting the use of footpaths or bridleways or a specified footpath or bridleway shall affect the holding of a trial authorised under this section; but this section shall not prejudice any right or remedy of a person as having an interest in any land.
- (5) In this section " local authority "—
  - (a) as respects England and Wales, means the council of a county or county borough, except that in relation to a footpath or bridleway for which the council of a borough, not being a county borough, or of an urban district is the highway authority, the said expression means that council;
  - (b) as respects Scotland, means a county council or town council.

## **18 Prohibition of driving motor vehicles elsewhere than on roads**

- (1) Subject to the provisions of this section, if without lawful authority a person drives a motor vehicle on to or upon any common land, moorland or other land of whatsoever description, not being land forming part of a road, or on any road being a footpath or bridleway, he shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.
- (2) 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.
- (3) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.
- (4) 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 a person may by law be entitled in respect of any such trespass or in particular confers a right to park a vehicle on any land.

### *Speed Limits on restricted Roads*

## **19 General speed limit for restricted roads**

- (1) It shall not be lawful for a person to drive a motor vehicle on a restricted road at a speed exceeding thirty miles per hour.
- (2) A direction may be given as respects any specified restricted road that the foregoing subsection shall have effect as if it imposed a limit of speed of forty miles per hour.



- (3) The Minister and the Secretary of State, acting jointly, may by order made by statutory instrument and approved by a resolution of each House of Parliament increase or reduce the rate of speed fixed by subsection (1) or subsection (2) of this section, either as originally enacted or as varied under this subsection.

## **20 What roads restricted**

- (1) Subject to the provisions of this section, a road is a restricted road for the purposes of the last foregoing section if there is provided thereon a system of street lighting furnished by means of lamps placed not more than two hundred yards apart.
- (2) A trunk road or classified road is not a restricted road for the purposes of the last foregoing section by reason only of the provision thereon of such a system of street lighting as aforesaid unless such a system was provided thereon before the first day of July, nineteen hundred and fifty-seven.
- (3) A direction may be given that a specified road which is a restricted road for the purposes of the last foregoing section shall cease to be a restricted road for those purposes or that a specified road which is not a restricted road for those purposes shall become a restricted road for those purposes.
- (4) In any proceedings for a contravention of the last foregoing section—
- (a) a certificate of an officer of the highway authority for any road stating whether such a system of street lighting as aforesaid was provided thereon before the first day of July, nineteen hundred and fifty-seven; and
  - (b) a certificate of an officer of the appropriate Minister that a road is or is not a trunk road or a classified road,
- shall be evidence of the facts certified; and a document purporting to be such a certificate and to be signed by such an officer as is mentioned in paragraph (a) or (b) of this subsection shall be deemed to be such a certificate unless the contrary is shown.
- (5) No part of a special road shall be a restricted road for the purposes of the last foregoing section on or after such date as may be declared by a notice published by the highway authority, in such manner as may be prescribed by regulations made by the appropriate Minister, to be the date on which it is open for use as a special road.

## **21 Provisions as to directions under sections 19 and 20**

- (1) Subject to the provisions of this section, the authority having power to give a direction under subsection (2) of section nineteen of this Act or subsection (3) of the last foregoing section—
- (a) as respects a road outside the London Traffic Area, not being a trunk road, shall be the local authority;
  - (b) as respects a road in the London Traffic Area, not being a trunk road, shall be the Minister;
  - (c) as respects a trunk road, shall be the appropriate Minister.
- (2) A direction given in a case falling within paragraph (a) of the foregoing subsection shall be given by means of an order made by the local authority after giving public notice of their intention to make an order and after consultation with the chief officer of police and with the consent of the appropriate Minister.

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- (3) A direction given in a case falling within paragraph (b) of subsection (1) of this section shall be given by means of an order made, by statutory instrument, by the Minister after giving public notice of his intention to make an order and after consultation with the London and Home Counties Traffic Advisory Committee.
- (4) A direction given in a case falling within paragraph (c) of subsection (1) of this section shall be given by means of an order made, by statutory instrument, by the appropriate Minister after giving public notice of his intention to make an order and, in the case of a road in the London Traffic Area, after consultation with the London and Home Counties Traffic Advisory Committee.
- (5) The appropriate Minister may give notice to the local authority, as respects any road falling within paragraph (a) of subsection (1) of this section which is a restricted road for the purposes of section nineteen of this Act, that he has under consideration the question whether—
- (a) a direction should be given that it shall cease to be a restricted road for those purposes, or
  - (b) a direction for the time being in force that it shall be a restricted road for those purposes should be revoked or varied, or
  - (c) a direction should be given that the limit of speed applicable under the said section nineteen shall be the limit imposed by subsection (2) of that section;
- and where such a notice has been given, then if within the time limited by the notice the local authority so require the appropriate Minister shall, and in any case he may, hold a local inquiry, and subject as aforesaid may by order, made by statutory instrument, give, or revoke or vary, the direction, as the case may be.
- (6) A direction given by order under the foregoing provisions of this section may be revoked or varied by a subsequent order made in the like manner.

## **22 Signs for indicating speed restrictions**

- (1) It shall be the duty of the competent authority—
- (a) to erect and maintain the prescribed traffic signs in such positions as may be requisite in order to give effect to general or other directions given by the appropriate Minister for the purpose of securing that adequate guidance is given to drivers of motor vehicles as to whether a road is or is not a restricted road for the purposes of section nineteen of this Act, and what limit of speed is to be observed where a road is a restricted road for those purposes; and
  - (b) to alter or remove traffic signs as may be requisite in order to give effect to such directions as aforesaid, either in consequence of the making of an order by the appropriate Minister or otherwise ;
- and if the authority make default in executing any works required for the performance of the duty imposed upon them by this subsection, the appropriate Minister may himself execute them; and the expense incurred by him in so doing shall be recoverable by him from the authority and, in England or Wales, shall be so recoverable summarily as a civil debt.
- (2) In its application to a trunk road the foregoing subsection shall have effect with the omission of the words " in order to give effect to general or other directions given by the appropriate Minister " in paragraph (a), and the words from the beginning of paragraph (b) to the end of the subsection.

- (3) Where no system of street lighting furnished by means of lamps placed not more than two hundred yards apart is provided on a road but the road is a restricted road for the purposes of section nineteen of this Act, a person shall not be convicted of a contravention of that section unless the fact that it is a restricted road for those purposes is indicated by means of such traffic signs as are mentioned in subsection (1) of this section.
- (4) In any proceedings for such a contravention as aforesaid, being proceedings relating to driving on a road provided with such a system of street lighting as is specified in the last foregoing subsection, evidence of the absence of traffic signs displayed in pursuance of this section to indicate that the road is not a restricted road for the purposes of section nineteen of this Act shall be evidence that the road is a restricted road for those purposes.
- (5) In this section " the competent authority " means—
- (a) as respects a road outside the London Traffic Area, not being a trunk road, the local authority ;
  - (b) as respects a road in the London Traffic Area, not being a trunk road, the Common Council of the City of London if the road is in the City, the council of a metropolitan borough if the road is elsewhere in the administrative county of London, and the local authority if the road is outside the administrative county of London;
  - (c) as respects a trunk road, the appropriate Minister.

## **23 Provisions supplementary to sections 19 to 22**

- (1) In the four last foregoing sections "local authority "—
- (a) in relation to a road in England or Wales means—
    - (i) in the case of a road in a county borough or in a non-county borough having a population according to the last published census of over twenty thousand, the council of the borough;
    - (ii) in the case of a road in an urban district having such a population as aforesaid, the council of the district;
    - (iii) in the case of a road in a non-county borough not having such a population as aforesaid, in an urban district not having such a population, or in a rural district, the council of the county in which it is situated;
  - (b) in relation to a road in Scotland, means the county or town council responsible for the maintenance and management of the road;
- and " road " means any length of road.
- (2) A county council in Scotland shall, before arriving at a decision as to the exercise of any power conferred on them by the four last foregoing sections with regard to a classified road in a burgh, consult with the town council of the burgh.

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*Speed Limits for certain Classes of Vehicles*

**24 Speed limits for vehicles of different classes or descriptions**

- (1) It shall not be lawful for a 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.
- (2) The Minister may by regulations vary, subject to such conditions as may be specified in the regulations, the provisions of the First Schedule to this Act.
- (3) Regulations under this section may make different provision as respects the same class or description of vehicles in different circumstances.
- (4) Without prejudice to the last foregoing subsection, regulations under this section may make particular provision in relation to vehicles while being driven on special roads, but such provision shall not have effect in relation to any part of a special road until such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under subsection (5) of section twenty of this Act, to be the date on which it is open for use as a special road.
- (5) The Minister shall not have power under this section to vary the speed limit imposed by section nineteen of this Act.
- (6) The Minister shall not have power under this section to impose a speed limit, as respects driving on roads not being restricted roads for the purposes of section nineteen of this Act, on a vehicle which is constructed solely for the carriage of passengers and their effects, is not adapted to carry more than seven passengers exclusive of the driver, is not a heavy motor car, is not an invalid carriage, is not drawing a trailer, and is fitted with pneumatic tyres on all its wheels.

*Speed Limits: Exemptions*

**25 Exemption of fire engines, and c., from speed limits**

No statutory provision imposing a speed limit on motor vehicles shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of those provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

*Traffic Regulation outside London Traffic Area*

**26 Traffic regulation orders outside London Traffic Area**

- (1) The authority hereinafter specified may make an order (in this and the three next following sections referred to as a " traffic regulation order ") as respects any road outside the London Traffic Area where it appears to the authority making the order that it is expedient so to do—
  - (a) for avoiding danger to persons or other traffic using the road or any other road, or
  - (b) for preventing damage to the road or to any building on or near the road, or
  - (c) for facilitating the passage of vehicular traffic on the road or any other road, or

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- (d) for preventing the use of the road by vehicular traffic of a kind which, or the use thereof by such traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
  - (e) without prejudice to the generality of the last foregoing paragraph, for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot.
- (2) The authority having power to make traffic regulation orders—
- (a) as respects roads not being trunk roads, shall be the local authority, that is to say, in England or Wales, the council of a county or county borough or of any other borough having a population of over twenty thousand according to the last census for the time being or of an urban district having such a population, and in Scotland a county council or a town council,
  - (b) as respects trunk roads, shall be the appropriate Minister;
- and the appropriate Minister, on application in that behalf being made to him by the governing body of a university in the receipt of a grant from public moneys, and after holding if he thinks fit a public inquiry, shall have power to make a traffic regulation order as respects a road not being a trunk road.
- The powers conferred by this subsection on the appropriate Minister shall be exercisable by statutory instrument.
- (3) The provision which may be made by a traffic regulation order shall be any provision prohibiting, restricting or regulating the use of a road or any part of the width thereof by vehicular traffic or by such traffic of any class or description specified in the order, either generally or subject to exceptions so specified, and either at all times or at times, on days or during periods so specified, and, without prejudice to the generality of this subsection, any provision—
- (a) requiring such traffic to proceed in a specified direction or prohibiting its so proceeding,
  - (b) specifying the part of the carriageway to be used by such traffic proceeding in a specified direction,
  - (c) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles,
  - (d) prohibiting the use of roads by through traffic,
  - (e) prohibiting or restricting overtaking,
  - (f) regulating the speed of vehicles;
- but no prohibition or restriction on waiting imposed under this section shall apply to a stage carriage or express carriage.
- (4) Subject to the next following subsection, no order shall be made under this section 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, or any other premises accessible for vehicles of that class or description from, and only from, the road ; but for the purposes of this prohibition a restriction on the loading or unloading of goods shall in no circumstances be treated as preventing such access as may be reasonably required if the restriction does not prevent loading or unloading for more than six hours in all in any consecutive period of twenty-four hours.
- (5) The last foregoing subsection shall not have effect in relation to an order made by the appropriate Minister or confirmed by him in pursuance of the next following section

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in so far as the authority making the order is satisfied that, for avoiding danger to persons or other traffic using the road to which the order relates or any other road, or for preventing damage to the road or buildings on or near it, it is requisite that that subsection should not apply, and it is stated in the order that the said authority is satisfied as aforesaid.

- (6) This section shall not apply in relation to any part of a special road on or after such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under subsection (5) of section twenty of this Act, to be the date on which it is open for use as a special road.
- (7) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of a traffic regulation order shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

## **27 Confirmation, revocation and variation of local authorities' traffic regulation orders**

- (1) Save as provided by subsection (4) of this section, a traffic regulation order made by a local authority shall not have effect unless confirmed by the appropriate Minister.
- (2) The appropriate Minister, if he confirms any such order as aforesaid, may confirm it either without modification or subject to such modifications as he thinks fit, but he shall not confirm an order until twenty-eight days at least have elapsed since the making of the order and, before confirming it, shall consider any objections which may have been made to him against the order and, if he thinks fit, may cause a public inquiry to be held.
- (3) Any such order as aforesaid may be revoked, varied or amended by order of the local authority, subject to the like confirmation, given subject to the like provisions, as the first-mentioned order, or may be revoked, varied or amended by order made, by statutory instrument, by the appropriate Minister, after giving notice to the local authority and holding, if he thinks fit, a public inquiry.
- (4) An order made by a local authority containing no provision other than provision—
  - (a) requiring traffic to proceed in a specified direction or prohibiting its so proceeding,
  - (b) specifying the part of the carriageway to be used by traffic proceeding in a specified direction,
  - (c) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles,
  - (d) prohibiting or restricting the use of footpaths or bridleways by bicycles and tricycles, or
  - (e) revoking or varying any such requirement, prohibition or restriction,shall not require confirmation; but where the appropriate Minister revokes, varies or amends any such order as aforesaid, an order imposing or varying, as respects the same length of road, any such requirement, prohibition or restriction as aforesaid, being an order made within twelve months after the revocation, variation or amendment by the appropriate Minister, shall be subject to confirmation by him to the like extent as if this subsection had not been passed.

## **28 Provisions as to Ministers' traffic regulation orders**

- (1) A traffic regulation order made by the appropriate Minister may be revoked, varied or amended by order made by him by statutory instrument.
- (2) Before making, revoking, varying or amending a traffic regulation order as respects a trunk road, the appropriate Minister shall give notice to the local authority (as denned in subsection (2) of section twenty-six of this Act) and shall, if he thinks fit, hold a public inquiry; and before revoking, varying or amending a traffic regulation order made upon the application of the governing body of a university, he shall give notice to that body and, if he thinks fit, hold a public inquiry.

## **29 Provisions supplementary to sections 26 to 28**

- (1) The appropriate Minister may make regulations for prescribing the procedure to be followed in connection with the making by local authorities of orders under sections twenty-six and twenty-seven of this Act, the confirmation of orders so made where confirmation is required, and the holding of inquiries for the purposes of any of the three last foregoing sections.
- (2) Where a traffic regulation order is made by a local authority, or having been so made is revoked, varied or amended (whether by an order made by them or one made by the appropriate Minister), the local authority shall publish, in such manner as may be prescribed by regulations made by the appropriate Minister, notice of the making and effect of the order.

Regulations under this subsection may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

### *Traffic Regulation in London Traffic Area*

## **30 The London and Home Counties Traffic Advisory Committee**

- (1) With a view to facilitating and improving the regulation of traffic in and near London, the committee constituted by section one of the London Traffic Act, 1924, by the name of the London and Home Counties Traffic Advisory Committee shall continue in existence by that name for the purpose of giving advice and assistance to the Minister, in manner provided by this Act, in connection with the exercise and performance of his powers and duties in relation to traffic within the London Traffic Area.
- (2) The constitution of the said Committee shall be that provided by the provisions in that behalf of the Second Schedule to this Act and the supplementary provisions contained in that Schedule shall have effect with respect to the said Committee.

## **31 General functions of Advisory Committee**

- (1) Without prejudice to the duties conferred on them by any other enactment, it shall be the duty of the London and Home Counties Traffic Advisory Committee—
  - (a) to consider, report to and advise the Minister on any matters relating to traffic within the London Traffic Area which in their opinion ought to be brought to the notice of the Minister and, in particular, to consider, report to and advise the Minister on any of the matters mentioned in the Third Schedule to this Act which may be referred to them by the Minister;

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- (b) to consider, report to and advise the Minister on any other matters which under this Act are referred to them by the Minister.
- (2) References in the said Third Schedule to streets shall be construed as including references to highways and bridges carrying highways and to lanes, mews, footways, squares, courts, alleys and passages whether thoroughfares or not.

### **32 Annual report of Advisory Committee**

The London and Home Counties Traffic Advisory Committee shall make an annual report on their proceedings to the Minister, which shall be laid before Parliament.

### **33 Power of Advisory Committee to hold inquiries**

- (1) In a case where the London and Home Counties Traffic Advisory Committee think it desirable or expedient so to do, the Committee may, before advising and reporting to the Minister on any matter referred to them in pursuance of this or any other Act, appoint one or more of their number to hold, or may if they think it advisable themselves hold, such public inquiry into the matter as they may think fit, and when one or more members of the Committee are appointed to hold the inquiry they shall make a report to the Committee.
- (2) Before any such inquiry is held the Committee shall give public notice of the date and place at which the inquiry will be held and of the matters to be dealt with at the inquiry, and any person affected may make representations to the member or members holding the inquiry, or, in the case of an inquiry held by the Committee themselves, to the Committee, and unless in their discretion the member, members or Committee consider it unnecessary, any such person shall be heard at the inquiry.

For the purposes of this subsection the Corporation of the City of London and the council of any county, borough or district wholly or partly comprised in the London Traffic Area shall be deemed to be persons affected and (notwithstanding anything in the foregoing provisions of this subsection) shall have the right to be heard in any case where the Corporation or council, or any persons represented by them, may be affected by the inquiry.

- (3) In a case where the Minister thinks it expedient or proper so to do, he may delegate to the Committee the duty of holding any inquiry respecting any matter affecting traffic within the London Traffic Area which under the provisions of this or any other Act he is authorised or required to hold, and where he has so delegated any such duty the Committee shall appoint one or more of their number to hold, or may if they think it advisable themselves hold, such inquiry as is required under the provisions in respect of which the duty has been delegated ; and when one or more members of the Committee are appointed to hold the inquiry they shall make a report to the Committee.
- (4) In a case where in pursuance of the foregoing provisions of this section a public inquiry is held by a member of the Committee or by the Committee themselves, the member or Committee may by order require any person, subject to payment or tender of the reasonable expenses of his attendance, to attend as a witness at the inquiry and to give evidence, or to produce any documents in his possession or power which relate to the subject matter of the inquiry and are such as would not be privileged from production in a court of law, and shall have power to take evidence on oath, and that member or the chairman of the Committee shall have power to administer oaths for that purpose.



- (5) If a person fails without reasonable excuse to comply with an order made under the last foregoing subsection, he shall be liable on summary conviction to a fine not exceeding five pounds.
- (6) In this section "borough" includes metropolitan borough.

### **34 Traffic regulation in London Traffic Area**

- (1) The Minister may make regulations for controlling or regulating vehicular and other traffic on roads within the London Traffic Area and in particular, but without prejudice to the generality of the foregoing words, for any of the purposes, or with respect to any of the matters, mentioned in the Fourth Schedule to this Act.
- (2) Any such regulations may be made so as to apply—
  - (a) to the London Traffic Area as a whole, or to particular parts thereof, or to particular places or streets, or parts of streets, therein;
  - (b) throughout the day, or during particular periods;
  - (c) on special occasions only, or at special times only;
  - (d) to vehicles and traffic of any particular class;and, for the purposes of paragraph (d) of this subsection, may classify vehicles and traffic by reference to any one or more of the following considerations, that is to say, weight, motive power, speed, the character of the load carried or the absence of any load, the number of passengers the vehicle is adapted to carry and the purpose for which, and the direction in which, the traffic is being conducted, and, in the case of public service vehicles, the nature of the service provided by the vehicle, the route on which the vehicle is being operated and whether it is for the time being engaged in carrying passengers or not.
- (3) Any regulations so made by the Minister may provide for the suspension or modification so long as the regulations remain in force of any provisions of any Acts (whether public general or local or private, and including provisions contained in this Act), byelaws or regulations, dealing with the same subject matter as the regulations made by the Minister, or of any Acts conferring power of making byelaws or regulations dealing with the same subject matter, so far as such provisions apply to any place or street to which the regulations made by the Minister apply.
- (4) Any such regulations may provide for imposing fines recoverable summarily in respect of breaches thereof not exceeding in the case of a first offence twenty pounds, or in the case of a second or subsequent offence fifty pounds, together with, in the case of a continuing offence, a further fine not exceeding five pounds for each day the offence continues after notice of the offence has been given in such manner as may be prescribed by the regulations.
- (5) Before making any regulations under this section the Minister shall refer the matter to the London and Home Counties Traffic Advisory Committee for their advice and report.
- (6) Before making any such regulations which will impose new or additional duties on the police, the Minister shall consult the Secretary of State.
- (7) The making of any regulations under this section shall be conclusive evidence that the requirements of this section have been complied with.

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- (8) This section shall not apply in relation to any part of a special road on or after such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under subsection (5) of section twenty of this Act, to be the date on which it is open for use as a special road.
- (9) In this section and in the Fourth Schedule to this Act " street" includes any highway and any bridge carrying a highway, and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not.

### **35 Experimental traffic schemes in London**

- (1) Where it appears to the commissioner of police expedient so to do for the purpose of carrying out within his area an experimental scheme of traffic control, he may with the consent of the Minister, and after giving such notice as the Minister may direct, make regulations for regulating vehicular traffic in any manner specified in the Fifth Schedule to this Act.
- (2) Any provision contained in regulations under this section may be made so as to apply at all times or on specified days or during specified periods, and either throughout the day or during any specified part of the day, and to vehicular traffic generally or to such traffic of any class or description specified in the regulations, and regulations under this section may make different provision for different classes or descriptions of traffic.
- (3) If a person contravenes, or fails to comply with, regulations under this section he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.
- (4) Regulations under this section may suspend or modify regulations made by the Minister under the last foregoing section.
- (5) Regulations under this section shall not continue in force for a period longer than six months after the making thereof, together with such further period (if any) not exceeding twelve months as the Minister may at any time before the expiration of the regulations direct; and (without prejudice to the power of the commissioner of police to revoke regulations under this section) such regulations may be revoked by regulations of the Minister under the last foregoing section.
- (6) A document purporting to be a copy, certified by a person authorised by the commissioner of police, of regulations under this section shall be evidence of the contents of such regulations.
- (7) This section shall apply within the metropolitan police district and the City of London, but not elsewhere; and in this section " the commissioner of police " means, in relation to the metropolitan police district, the commissioner of police of the metropolis, and in relation to the City of London, the commissioner of police for the City of London.

#### *Traffic Regulation in special Cases*

### **36 Temporary prohibition or restriction of traffic on roads**

- (1) Subject to the provisions of this section, if a highway authority are satisfied that traffic on a road for the maintenance of which they are responsible should, by reason of any works' being executed or proposed to be executed on or near the road, be restricted

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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.

A highway authority, when considering the question of the making of an order under this subsection, shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order.

- (2) A highway authority may at any time by notice restrict or prohibit temporarily the use of a road or any part of a 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.
- (3) The provision which may be made by any such order or notice as aforesaid shall be any such provision as is mentioned in subsection (3) of section twenty-six of this Act.
- (4) Where an order under subsection (1) or a notice under subsection (2) of this section is made or issued by a highway authority, any such provision as is specified in paragraph (a), (b) or (c) of subsection (3) of section twenty-six of this Act may be made, as respects any alternative road,—
  - (a) where that authority is the highway authority for the alternative road, by order made by them;
  - (b) where that authority is not the highway authority therefor, by order made,—
    - (i) where the alternative road is other than a trunk road, by that authority, with the consent of the highway authority for the alternative road;
    - (ii) where the alternative road is a trunk road, by the appropriate Minister on the application of that authority;

and subsections (4) and (5) of the said section twenty-six shall apply to an order under this subsection as they apply to an order under that section.

Any power conferred by this subsection to make an order shall include power to vary or revoke it.

- (5) An order made or notice issued under the foregoing provisions of this section may suspend any statutory provision of a description which could have been contained in the order or notice or, in the case of an order under the last foregoing subsection, any statutory provision prohibiting the use of roads by through traffic, and any such provision (other than one contained in the order or notice) shall have effect subject to the order or notice.
- (6) An order under subsection (1) or subsection (4) of this section, not being an order made by a Minister, shall not without the approval of the appropriate Minister continue in force for a longer period than six weeks from the making thereof; and where the appropriate Minister has refused to approve the continuing in force of an order made under the said subsection (1) then except with the approval of the appropriate Minister no subsequent order shall be made under that subsection as respects any length of road to which the previous order related unless at least three months have expired from the time when the previous order ceased to have effect
- (7) A notice issued under subsection (2) of this section shall not continue in force for a longer period than fourteen days from the date thereof.
- (8) A person who uses or permits the use of a vehicle in contravention of a restriction or prohibition imposed under this section shall be liable on summary conviction to a fine

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not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

- (9) The provisions of the Sixth Schedule to this Act shall have effect as to the notification of the exercise or proposed exercise of the powers conferred by this section and otherwise in relation thereto; and in that Schedule " the principal section " means this section.
- (10) In this section "alternative road", in relation to a road as respects which an order under subsection (1) or notice under subsection (2) of this section is made or issued, means a road providing an alternative route for traffic diverted from the first-mentioned road or from any other alternative road, or capable of providing such an alternative route apart from any statutory provision authorised by the foregoing provisions of this section to be suspended by an order under subsection (4) of this section.
- (11) The powers conferred by this section on the appropriate Minister to make orders shall be exercisable by statutory instrument.

### **37 Traffic regulation on special roads**

- (1) A special road shall not be used, except as provided by or under regulations made under the next following subsection, by any traffic other than traffic of a class authorised in that behalf by a scheme under section one of the Special Roads Act, 1949, or section eleven of the Highways Act, 1959 (or, if the road is one to which the last-mentioned Act applies by virtue of section nineteen thereof, by any traffic other than traffic of a class for the time being authorised by virtue of that section).
- (2) The appropriate Minister may make regulations with respect to the use of special roads, and such regulations may, in particular,—
  - (a) regulate the manner in which and the conditions subject to which special roads may be used by traffic of the class authorised in that behalf by such a scheme as is mentioned in subsection (1) of this section or, as the case may be, by virtue of the said section nineteen;
  - (b) authorise, or enable such authority as may be specified in the regulations to authorise, the use of special roads, on occasion or in emergency or for the purpose of crossing, or for the purpose of securing access to premises abutting on or adjacent to the roads, by traffic other than such traffic as aforesaid, or relax or enable any such authority as aforesaid to relax any prohibition or restriction imposed by the regulations.
- (3) Regulations made under the last foregoing subsection may make provision with respect to special roads generally, or may make different provision with respect to special roads provided for the use of different classes of traffic, or may make provision with respect to any particular special road.
- (4) If a person uses a special road in contravention of this section or of regulations under subsection (2) thereof he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (5) The provisions of this section, and of any regulations made under subsection (2) thereof, shall not apply to any part of a special road until such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under subsection (5) of section twenty of this Act, to be the date on which it is open for use as a special road; but nothing in this subsection shall be

construed as preventing the making of regulations under subsection (2) of this section so as to come into force, in relation to any such road, on the said date.

- (6) In this section "use", in relation to a road, includes crossing.

### **38 One-way traffic on trunk roads**

- (1) Without prejudice to the powers of the appropriate Minister under section twenty-six of this Act, where he proposes to make an order under section one of the Trunk Roads Act, 1946, or section seven of the Highways Act, 1959, directing that a road shall become a trunk road and considers it expedient that that road, when it becomes a trunk road, should be used only for traffic passing in one direction, and that any other road, being a trunk road or a road which is to become a trunk road by virtue of the order, should be used only for traffic passing in the other direction, the order under the said section one or the said section seven, as the case may be, may make provision for restricting the use of those roads accordingly as from such date as may be specified in that behalf in the order.
- (2) A person who uses a vehicle or causes or permits a vehicle to be used in contravention of any provision made by virtue of the foregoing subsection shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

### **39 Regulation of use of highways by public service vehicles**

- (1) Subject to the next following subsection, a local authority may make orders for determining the highways which may or may not be used by public service vehicles in the area or in any part of the area of the authority and for fixing thereon stands for public service vehicles and as to the places at which such vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers and as to the manner of using such stands and places.
- (2) No order shall be made under this section as respects the London Traffic Area.
- (3) Where a local authority propose to make an order under subsection (1) of this section, they shall cause notice of the proposal to be published in at least one newspaper circulating within their area, and every such notice shall specify the nature of the proposal and state that a copy of the draft order is open to inspection at a specified place, and specify the period, which shall not be less than twenty-eight days, within which any persons affected by the proposed order may send to the Minister and the local authority objections in writing.
- (4) An order made under subsection (1) of this section shall be of no effect unless and until it is confirmed by the Minister, and the Minister before confirming any such order shall consider any objections sent as aforesaid and shall consult with the traffic commissioners for the traffic area in which the area or any part of the area of the local authority is situate.
- (5) The Minister may confirm an order made under subsection (1) of this section either without modification or subject to such modifications as he thinks fit, or may refuse to confirm the order.
- (6) An order made and confirmed under subsection (1) of this section unless previously revoked shall remain in operation for three years, but may be renewed from time to

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time for a like period, and may at any time be altered or revoked by an order made in like manner and subject to the like provisions as the original order.

- (7) The confirmation of an order under subsection (1) of this section shall be evidence that the requirements of this section have been complied with.
- (8) In this section " local authority "—
- (a) as respects England and Wales, means as regards a county borough or a non-county borough or urban district having a population according to the last census for the time being of over twenty thousand, and any other non-county borough or urban district or any rural district the council of which the Minister may by order declare to be a local authority for the purposes of this section, the council of the borough or district, and as regards any other area the council of the county;
  - (b) as respects Scotland, means in a burgh the magistrates thereof and in a county the council thereof.

#### **40 Prohibition or restriction of use of vehicles on roads of certain classes**

- (1) The appropriate Minister may by order prohibit or restrict, subject to such exceptions and conditions as to occasional user or access to premises or otherwise as may be specified in the order, the driving of vehicles on all roads of any such class as may be specified in the order, if he is satisfied that it is desirable that such an order should be made, and may by order revoke, vary, amend or add to the provisions of such an order; but no order under this section shall have effect as respects any part of a special road on or after such date as may be declared by a notice published by the highway authority, in manner prescribed for the publication of notices under subsection (5) of section twenty of this Act, to be the date on which it is open for use as a special road.
- (2) A prohibition or restriction under this section may be imposed either generally, or in relation to any class or description of vehicle, or to the use of vehicles for any purpose, or to the weight of vehicles, whether laden or unladen.
- (3) For the purposes of this section the appropriate Minister may classify roads in any manner he thinks fit having regard to their character or situation, or the nature of the traffic to which they are suited, and may determine in what class any particular road shall be included.
- (4) The powers conferred by this section to make, revoke, vary, amend and add to orders shall be exercisable by statutory instrument, and a statutory instrument by which those powers are exercised shall not have effect unless and until it has been approved by a resolution of each House of Parliament.
- (5) A person who drives a vehicle, or causes or permits a vehicle to be driven, in contravention of an order under this section shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

#### **41 Restriction of use of heavy vehicles on weak bridges**

- (1) Where the bridge authority of a bridge over which a road passes is satisfied that the bridge is insufficient to carry vehicles of which the weights or axle weights, as hereinafter defined, exceed certain limits, 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 either—

- (a) by any vehicle of which the weight exceeds a maximum weight specified in the notice, not being less than five tons; or
- (b) by any vehicle of which—
  - (i) the weight exceeds a maximum weight so specified, not being less than five tons, or
  - (ii) any axle weight exceeds a maximum axle weight so specified, not being less than three tons,

and any such notice may, as regards both weight of vehicle and axle weight, specify different maximum weights in relation to a vehicle travelling at a speed less than a speed specified in the notice, and in relation to a vehicle travelling at that speed or a greater speed.

- (2) The highway authority for a road leading to a bridge shall give to the bridge authority reasonable facilities for placing on the road any such notice as aforesaid and, if the highway authority so require, the bridge authority shall erect warning notices in the prescribed form at the principal junctions of roads leading to the bridge.
- (3) Before placing a restriction or prohibition under this section on the use of a bridge, other than one carrying a trunk road and repairable by the appropriate Minister, the bridge authority shall give to the appropriate Minister twenty-eight days' notice of their intention so to do with particulars of the restriction or prohibition, and the appropriate Minister shall cause a list to be kept of all restrictions or prohibitions which have been placed on the use of bridges under this section and the list shall be open to inspection by any person.
- (4) For the purposes of this section—
  - (a) " weight " means weight laden ;
  - (b) the weight transmitted by a vehicle to any transverse strip of the road surface five feet in breadth shall be taken as being an " axle weight" of that vehicle and, for the purposes of this paragraph, a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle; and
  - (c) " 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;
  - (d) " prescribed " means prescribed by regulations made by the appropriate Minister.
- (5) If, without the consent of the bridge authority, a vehicle is driven across a bridge in contravention of a notice so placed as aforesaid, any person who so drives it, or causes or permits it to be so driven, shall, without prejudice to any civil liability incurred by him in the case of damage's being caused to the bridge, be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

If in any proceedings under this subsection the prosecutor satisfies the court that there are reasonable grounds for believing that the weight of the vehicle exceeded the maximum weight specified in the notice, or that any axle weight of the vehicle exceeded the maximum axle weight so specified, it shall lie on the defendant to prove that the weight of the vehicle or every axle weight of the vehicle, as the case may be, did not exceed such maximum weight or maximum axle weight.

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- (6) Any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this section, and any highway authority in whose area the bridge is situate, may at any time apply to the appropriate Minister for an order modifying or removing the restriction or prohibition.
- (7) On receiving any such application as aforesaid or, in the case of a bridge carrying a trunk road, on his own initiative, the appropriate Minister may cause the bridge to be inspected, and may require the bridge authority to give to his inspector such information as to its structure and condition, and such other facilities for his investigation of the circumstances as the bridge authority may be able to give and, after considering the report of his inspector and any representations made to him by the bridge authority, may, if he thinks proper, make by statutory instrument an order modifying or removing the restriction or prohibition, or imposing different restrictions, and the bridge authority shall, within such time as may be specified in the order, cause notices to be erected complying with the order and, if the bridge authority fail to do so, the appropriate Minister may cause the notice complained of to be removed or varied, or new notices to be erected so as to comply with his order; and the expenses incurred by him in so doing shall be recoverable by him from the bridge authority and, in England or Wales, shall be so recoverable summarily as a civil debt.
- (8) Where any such inspection and investigation is held, the appropriate Minister may make such order as to the payment of the costs incurred by him in connection therewith (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged thereon) by such party thereto as he thinks fit, and the appropriate Minister may certify the amount of the costs so incurred and any amount so certified and directed by the appropriate Minister to be paid by any person shall be recoverable from him, and shall be so recoverable, in England or Wales either as a debt due to the Crown or by the Minister summarily as a civil debt, and in Scotland by the Secretary of State.

For the purposes of this subsection the applicants and the bridge authority shall be treated as parties to the inspection and investigation.

- (9) The appropriate Minister may at any time on an application made to him by the bridge authority, or on his own initiative, by order made by statutory instrument vary or revoke any order made by him under subsection (7) of this section, if he is satisfied that it is proper so to do.

## **42 Power of highway and bridge authorities to authorise carriage of excess weights on roads and bridges**

- (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 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 made by the Minister under the following provisions of this Part of this Act 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 " highway authority " includes any person responsible for the maintenance of a road.

#### **43 Removal of vehicles illegally, obstructively or dangerously parked, abandoned, or broken down**

- (1) The appropriate Minister may by regulations make provision for the removal from roads, and safe custody, or for the moving from one position on a road to another position on that or another road, of, and of the loads carried by, vehicles which have been permitted to remain at rest on a road—
- (a) in contravention of any statutory prohibition or restriction, or
  - (b) in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such other persons, or
  - (c) in such a position or in such condition or in such circumstances as to appear to have been abandoned,
- or which have broken down.
- (2) Regulations under this section may provide for repealing byelaws dealing with the same subject matter as the regulations, and for suspending, while the regulations remain in force, any power of making such byelaws.
- (3) Expenses payable out of a police fund reasonably incurred in the execution of duties imposed by regulations under this section shall be recoverable by or on behalf of the chief officer of police from the owner of the vehicle, and in England or Wales shall be so recoverable summarily as a civil debt, and sums so recovered shall be paid into the police fund.

In this subsection " police fund " has the same meaning as in the Police Pensions Act, 1921.

- (4) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

### *Pedestrian Crossings*

#### **44 Schemes for establishment of pedestrian crossings on roads other than trunk roads**

- (1) A local authority may, after consultation with the chief officer of police and after giving public notice that they propose so to do, submit to the appropriate Minister a scheme containing proposals for the establishment on roads in their district (other than trunk roads), of crossings for foot passengers to be indicated in manner prescribed by regulations under section forty-six of this Act.

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- (2) Where, under the enactments repealed by this Act, a local authority have submitted a statement of reasons why they consider the establishment of crossings for foot passengers in their district to be unnecessary, the appropriate Minister, if it appears to him that crossings ought to be established in that district and after giving to the local authority an opportunity of making representations, may require the local authority to submit to him such a scheme as aforesaid in relation to the district.
- (3) A scheme submitted under this section shall specify either the position of the proposed crossings, or the lengths of road, or the areas, in which they are to be established, and the number proposed for any length of road or area, and the appropriate Minister may, if he thinks fit, approve the scheme with or without modification.
- (4) A scheme under this section may be varied from time to time, or may be revoked, by a subsequent scheme submitted and approved as aforesaid, or by an order made by statutory instrument by the appropriate Minister after giving to the local authority by whom the scheme was submitted an opportunity of making representations.
- (5) It shall be the duty of the authority by whom a scheme is submitted under this section to execute any works (including the placing, erection, maintenance, alteration, and removal of marks and traffic signs) required in connection with the establishment of crossings in accordance with the provisions of the scheme for the time being in force, or with the indication thereof in accordance with regulations having effect under section forty-six of this Act as respects the crossings, or required in consequence of a variation or revocation of the scheme, and if the authority make default in the execution of any such works, the appropriate Minister may execute them ; and the expense incurred by him in so doing shall be recoverable by him from the authority and, in England or Wales, shall be so recoverable summarily as a civil debt.
- (6) In this section " local authority " means—
  - (a) as respects England and Wales, the council of a county, a borough or an urban district,
  - (b) as respects Scotland, the council of a county or the town council of a burgh which is responsible for the maintenance and management of all or any of the highways in the burgh;and references in this section to the district of a local authority shall be construed in relation to the council of a county in England or Wales as references to the rural districts comprised in the county, and in relation to the council of a county in Scotland as references to the county together with any burgh therein other than a burgh the council of which is responsible for the maintenance and management of all or any of the highways in the burgh.
- (7) Notwithstanding the last foregoing subsection, a county council in Scotland may, after consultation with the town council of any small burgh within the meaning of the Local Government (Scotland) Act, 1929, which is responsible for the maintenance and management of all or any of the highways in the burgh and is situated within the county, include in a scheme submitted under this section proposals for the establishment of crossings on classified roads in such a burgh, and such proposals shall not be included in any scheme submitted by the town council of the burgh.
- (8) This section, in its application to the London Traffic Area, shall have effect subject to such adaptations as may be specified in an order made by the Minister.

Any order made for the purposes of this subsection may be varied by a subsequent order; and the powers to make orders conferred by this subsection shall be exercisable

by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **45 Duty of appropriate Minister to establish pedestrian crossings on trunk roads**

It shall be the duty of the appropriate Minister to establish on trunk roads such crossings for foot passengers as he considers necessary, and to execute any works (including the placing, erection, maintenance, alteration and removal of marks and traffic signs) required in connection with the establishment of those crossings.

#### **46 Pedestrian crossing regulations**

- (1) The appropriate Minister may make regulations with respect to the precedence of vehicles and foot passengers respectively, and generally with respect to the movement of traffic (including foot passengers), at and in the vicinity of crossings.
- (2) Without prejudice to the generality of the foregoing subsection, regulations made thereunder may be made prohibiting foot passenger traffic on the carriageway within one hundred yards of a crossing, and with respect to the indication of the limits of a crossing, or of any other matter whatsoever relating to the crossing, by marks or devices on or near the roadway or otherwise, and generally with respect to the erection of traffic signs in connection with a crossing.
- (3) Different regulations may be made under this section in relation to different traffic conditions, and in particular, but without prejudice to the generality of the foregoing words, different regulations may be made in relation to crossings in the vicinity of, and at a distance from, a junction of roads, and to traffic which is controlled by the police, and by traffic signals, and by different kinds of traffic signals, and which is not controlled.
- (4) Regulations may be made under this section applying only to a particular crossing or particular crossings specified in the regulations.
- (5) A person who contravenes any regulations made under this section shall be liable on summary conviction to a fine not exceeding ten pounds, or in the case of a second or subsequent conviction to a fine not exceeding twenty-five pounds.
- (6) In this section " crossing" means a crossing for foot passengers established by a local authority in accordance with the provisions for the time being in force of a scheme submitted and approved under section forty-four of this Act or by the appropriate Minister in the discharge of the duty imposed on him by the last foregoing section and (in either case) indicated in accordance with the regulations having effect as respects that crossing ; and for the purposes of a prosecution for a contravention of any of the provisions of a regulation having effect as respects a crossing the crossing shall be deemed to be established and indicated as aforesaid unless the contrary is proved.

#### *School Crossings*

#### **47 Arrangements for patrolling school crossings**

- (1) Arrangements may be made by the appropriate authority for the patrolling of places where children cross roads on their way to or from school, during periods between the hours of eight in the morning and half-past five in the afternoon when children are so

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on their way, by persons appointed by or on behalf of the appropriate authority, other than police constables.

(2) For the purposes of the foregoing subsection in its application to England and Wales the appropriate authority shall be—

- (a) as respects places not in the metropolitan police district, other than places in the City of London, the council of the county or county borough in which the places in question are,
- (b) as respects places in the City of London, the Common Council of the City, and
- (c) as respects places in the metropolitan police district, the commissioner of police of the metropolis;

and for the purposes of that subsection in its application to Scotland the appropriate authority shall be—

- (i) as respects places in a county (exclusive of any large burgh, and inclusive of any small burgh, situated therein), the county council, and
- (ii) as respects places in a large burgh, the town council of the burgh.

(3) The functions of the appropriate authority for the purpose of arrangements under subsection (1) of this section shall include the duty to satisfy themselves of the adequate qualifications of persons appointed to patrol, and to provide requisite training of persons to be appointed.

(4) In taking decisions as to making arrangements in England or Wales under subsection (1) of this section the council of a county, and the commissioner of police of the metropolis, shall have regard to any representations made to them or him by local authorities for localities in the county, or in the metropolitan police district, as the case may be, and in taking decisions as to making arrangements in Scotland under that subsection a county council shall have regard to any representations made to them by the council of any district or small burgh situated in that county, and the town council of a large burgh, other than a county of a city, shall have regard to any representations made to them by the education authority in whose area the burgh is situated.

(5) Any arrangements made in England or Wales under subsection (1) of this section as respects places in an area of a description mentioned in the first column of the Seventh Schedule to this Act, being arrangements made by the council mentioned in relation to that description of area in the second column of that Schedule, may include an agreement between the council and the police authority mentioned in relation thereto in the third column of that Schedule for the performance by the police authority, on such terms as may be specified in the agreement, of such functions for the purposes of the arrangements as may be so specified, and any arrangements made in Scotland by a council under that subsection may include an agreement between the council and any other local authority whose area for any purpose comprises the place to which the arrangements relate for the performance by that other local authority, on such terms as may be specified in the agreement, of such functions for the purposes of the arrangements as may be so specified.

(6) For the purposes of any arrangements made under subsection (1) of this section by the commissioner of police of the metropolis, there shall be paid out of the metropolitan police fund such expenditure as the Secretary of State may direct to be so paid.

(7) In this section, in its application to Scotland,—

- (a) " district " large burgh " and " small burgh " have the same meanings respectively as in the Local Government (Scotland) Act, 1947;

- (b) " education authority " has the same meaning as in the Education (Scotland) Act, 1946 ; and
- (c) " local authority " has the same meaning as in the Local Government (Scotland) Act, 1947, save that it also includes a joint police committee within the meaning of the Police (Scotland) Act, 1956.

#### **48 Stopping of vehicles at school crossings**

- (1) When between the hours of eight in the morning and half-past five in the afternoon a vehicle is approaching a place in a road where children on their way to or from school are crossing or seeking to cross the road, a school crossing patrol wearing a uniform approved by the Secretary of State shall have power, by exhibiting a prescribed sign, to require the person driving or propelling the vehicle to stop it.
- (2) When a person has been required under the foregoing subsection to stop a vehicle—
  - (a) he shall cause the vehicle to stop before reaching the place where the children are crossing or seeking to cross and so as not to stop or impede their crossing; and
  - (b) the vehicle shall not be put in motion again so as to reach the place in question so long as the sign continues to be exhibited;and a person who fails to comply with paragraph (a) of this subsection, or who causes a vehicle to be put in motion in contravention of paragraph (b) thereof, shall be liable on summary conviction to a fine not exceeding twenty pounds.
- (3) In this section—
  - (a) " prescribed sign " means a sign of a size, colour and type prescribed by regulations made by the appropriate Minister, or, if authorisation is given by the appropriate Minister for the use of signs of a description not so prescribed, a sign of that description; and regulations under this subsection may provide for the attachment of reflectors to signs or for the illumination of signs; and
  - (b) " school crossing patrol" means a person appointed to patrol in accordance with arrangements made under the last foregoing section.
- (4) For the purposes of this section—
  - (a) where it is proved that a sign was exhibited by a school crossing patrol, it shall be presumed to be of a size, colour and type prescribed, or of a description authorised, under the foregoing provisions of this section, and if it was exhibited in circumstances in which it was required by the regulations to be illuminated, to have been illuminated in the prescribed manner, unless the contrary is proved; and
  - (b) where it is proved that a school crossing patrol was wearing uniform, the uniform shall be presumed, unless the contrary is proved, to be a uniform approved by the Secretary of State.

#### *Street Playgrounds*

#### **49 Power of local authorities to prohibit traffic on roads to be used as playgrounds**

- (1) The council of a county (other than the administrative county of London), metropolitan borough, county borough, borough or urban district shall have power, for the purpose of enabling roads within their area in respect of which they are the highway authority

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to be used as playgrounds for children, to make an order prohibiting or restricting, subject to such exceptions and conditions as to occasional user or otherwise as may be specified in the order, the use of any specified road by vehicles, or by vehicles of any specified class or description, either generally or on particular days or during particular hours.

- (2) An order made under this section with respect to a road shall make provision for permitting reasonable access to premises situated on or adjacent to it.
- (3) No order made under this section shall be of any effect unless and until it is confirmed by the appropriate Minister who, if he confirms it, may confirm it either without modification or subject to such modifications as he thinks fit, but the appropriate Minister shall not confirm an order until twenty-eight days at least have elapsed since the making of the order and, before confirming it, shall consider any objections which may have been made to him against the order and, if he thinks fit, may cause a public inquiry to be held.
- (4) An order made under this section may be revoked, varied or amended by an order made in like manner as the original order.
- (5) The appropriate Minister may at any time after giving notice in writing to the authority by whom an order under this section was made and after holding, if he thinks fit, a public inquiry, by statutory instrument revoke, vary or amend the order.
- (6) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of an order in force under this section shall be liable on summary conviction, or in Scotland on conviction by a court of summary jurisdiction, to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.
- (7) The appropriate Minister may make regulations for prescribing the procedure to be followed in connection with the making of orders by a local authority under this section and the confirmation thereof and for prescribing the manner in which the authority shall publish notice of the fact that any such order has been made and confirmed and of its effect.
- (8) The powers conferred by subsection (1) of this section on the councils therein mentioned shall, in Scotland, be exercisable as regards roads in a county by the county council, and as regards roads in a burgh by the town council.

## **50 Power of local authorities to make byelaws with respect to roads used as playgrounds**

A local authority by whom an order may be made under the last foregoing section shall have power, in relation to any road as respects which an order is made by them prohibiting or restricting the use of the road by vehicles, or by vehicles of any specified class or description, for the purpose of enabling the road to be used as a playground for children, to make byelaws (subject to confirmation by the appropriate Minister) authorising the use of the road for that purpose, and making provision with respect to the admission of children to the road when used as a playground, and with respect to the safety of children so using the road and their protection from injury by vehicles using the road for access to premises situated on or adjacent to it or otherwise, and generally with respect to the proper management of the road when used as a playground as aforesaid.

## *Traffic Signs*

### **51 Traffic signs**

- (1) In this Act " traffic sign " means any object or device (whether fixed or portable) for conveying, to traffic on roads or any specified description of traffic, warnings, information, requirements, restrictions or prohibitions of any description specified by regulations made by the Minister and the Secretary of State acting jointly or authorised by the appropriate Minister, and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions.
- (2) Traffic signs shall be of the size, colour and type prescribed by regulations made as aforesaid except where the appropriate Minister authorises the erection or retention of a sign of another character; and for the purposes of this subsection illumination, whether by lighting or by the use of reflectors or reflecting material, or the absence of such illumination, shall be part of the type or character of a sign.
- (3) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.
- (4) Except as provided by this Part of this Act, no traffic sign shall be placed on or near a road except—
  - (a) a notice in respect of the use of a bridge;
  - (b) a traffic sign placed, in pursuance of powers conferred by a special Act of Parliament or order having the force of an Act, by the owners or workers of a tramway, light railway, or trolley vehicle undertaking, a dock undertaking or a harbour undertaking;
  - (c) a traffic sign placed on any land by a person authorised under the following provisions of this Part of this Act to place the sign on a highway, being a sign placed on that land for a purpose for which that person is authorised to place it on a highway.
- (5) Regulations under this section, or any authorisation under subsection (2) thereof, may provide that section fourteen of this Act shall apply to signs of a type specified in that behalf by the regulations, or as the case may be to the sign to which the authorisation relates.
- (6) References in any enactment (including any enactment contained in this Act) to the erection or placing of traffic signs shall include references to the display thereof in any manner, whether or not involving fixing or placing.

### **52 Powers and duties of highway authorities as to placing of traffic signs**

- (1) Subject to and in conformity with such general directions as may be given by the Minister and the Secretary of State acting jointly, or such other directions as may be given by the appropriate Minister, a highway authority may cause or permit traffic signs to be placed on or near any road in their area.
- (2) The appropriate Minister may give directions to a highway authority—
  - (a) for the placing of a traffic sign of any prescribed type or authorised character specified in the directions;
  - (b) for replacing a sign so specified by, or converting it into, a sign of another prescribed type or authorised character so specified.

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### **53 Traffic signs for giving effect to local traffic regulations**

A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may place on a highway, or on any structure on a highway, traffic signs of any size, colour and type prescribed or authorised under section fifty-one of this Act, being signs indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be requisite for giving effect to regulations, orders or directions made or given under section fifty-two of the Metropolitan Police Act, 1839, under section twenty-two of the local Act of the second and third year of the reign of Queen Victoria, chapter ninety-four, under section twenty-one of the Town Police Clauses Act, 1847, or under section three hundred and eighty-five of the Burgh Police (Scotland) Act, 1892, or any corresponding provision contained in a local Act relating to any part of Scotland, or for giving effect to directions given under subsection (3) of section twelve of this Act.

### **54 Emergency traffic signs**

- (1) A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may place on a highway, or on any structure on a highway, traffic signs of any size, colour and type prescribed or authorised under section fifty-one of this Act, being signs indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances; and the power to place signs conferred by this subsection shall include power to maintain a sign for a period of seven days or less from the time when it was placed, but no longer.
- (2) Section fourteen of this Act shall apply to signs placed in the exercise of the powers conferred by this section.

### **55 Traffic signs in connection with experimental traffic schemes in London**

For the purpose of giving notice of any prohibition, restriction or requirement imposed by regulations under section thirty-five of this Act a constable, or a person acting under the instructions (whether general or specific) of the commissioner of police of the metropolis or the commissioner of police for the City of London, may place on a highway, or on any structure on a highway, traffic signs of any size, colour and type prescribed or authorised under section fifty-one of this Act.

### **56 Removal of traffic signs, and c**

- (1) The highway authority may by notice in writing require the owner or occupier of any land on which there is an object or device (whether fixed or portable) for the guidance or direction of persons using roads to remove it, and if a person fails to comply with such a notice the highway authority may themselves effect the removal, doing as little damage as may be; and the expense incurred by them in so doing shall be recoverable by them from the person so in default and, in England or Wales, shall be so recoverable summarily as a civil debt.
- (2) The appropriate Minister may give directions to a highway authority requiring the authority to remove, or cause to be removed, any traffic sign or any such object or device as is mentioned in the foregoing subsection.



- (3) After the repeal by virtue of this Act of section six of the Locomotive Act, 1861, a bridge authority shall, if so directed by the appropriate Minister, remove, or cause to be removed, any notice in respect of the use of a bridge placed under that section.

#### **57 Traffic signs: default powers**

- (1) If a highway authority or bridge authority fail to comply with any direction given under subsection (2) of section fifty-two of this Act or under the last foregoing section, the appropriate Minister may himself carry out the work required by the direction; and the expense incurred by him in so doing shall be recoverable by him from the authority and, in England or Wales, shall be so recoverable summarily as a civil debt.
- (2) Any such direction as aforesaid—
- (a) if relating to a road or bridge in England or Wales, shall be enforceable on the application of the Minister by mandamus;
  - (b) if relating to a road or bridge in Scotland, shall be enforceable by order of the Court of Session on an application by the Lord Advocate under section ninety-one of the Court of Session Act, 1868.

#### **58 Power to enter on land**

A highway or bridge authority or the appropriate 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 of placing, replacing, converting and removing traffic signs or their powers and duties under section fifty-six of this Act.

#### **59 Traffic signs: modifications as respects trunk roads**

In relation to a trunk road,—

- (a) subsection (1) of section fifty-two of this Act shall have effect with the omission of references to directions, and
- (b) the provisions of this Part of this Act relating to directions for the placing, replacing, conversion and removal of traffic signs, notices, objects or devices shall not apply except in relation to a bridge repairable by a person other than the appropriate Minister.

#### **60 Traffic signs: modifications as respects roads where parking permitted without lights**

- (1) In relation to a road with respect to which an exemption under paragraph (c) of subsection (1) of section ten of the Road Transport Lighting Act, 1957, has effect (whether absolutely or subject to conditions), the power conferred by subsection (1) of section fifty-two of this Act of placing traffic signs indicating the existence of the exemption shall, if the local authority for the area in which the road is situated are not the highway authority for the road, be exercisable by the local authority with the consent of the highway authority; and the powers conferred by subsection (2) of section fifty-two and by section fifty-six of this Act of giving to the highway authority directions for the replacing of a traffic sign by, or its conversion into, a sign of another type or character or for the removal of a traffic sign or other object or device shall include power to give such directions to the local authority in relation to a traffic sign, object or device placed by them on or near any such road.

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- (2) In this section " local authority" means, as respects England and Wales, the council of a county borough, county district or metropolitan borough or the Common Council of the City of London, and, as respects Scotland, a county council or town council.

**61 Traffic signs: modifications as respects cattle-grids**

- (1) As respects traffic signs relating to a cattle-grid provided in England or Wales under the Highways (Provision of Cattle-Grids) Act, 1950, or the Highways Act, 1959, for a highway not being for the purposes of the said Act of 1959 a highway maintainable at the public expense, or to a by-pass so provided for use in connection with such a cattle-grid, " highway authority " in sections fifty-two and fifty-six to fifty-eight (both inclusive) of this Act shall include the council of the county comprising the rural district, the council of the borough, or the council of the urban district, as the case may be, in which the highway is situated.
- (2) As respects traffic signs relating to a cattle-grid provided in Scotland under the Highways (Provision of Cattle-Grids) Act, 1950, for a road for the maintenance or management of which no highway authority is responsible, or to a by-pass provided for use in connection with such a cattle-grid, " highway authority " in sections fifty-two and fifty-six to fifty-eight (both inclusive) of this Act shall include the appropriate authority as defined by paragraph (b) of subsection (8) of section one of that Act.

**62 Construction of references to highway authorities for purposes of sections 52 and 56 to 58**

References to a highway authority in sections fifty-two and fifty-six to fifty-eight (both inclusive) of this Act shall be construed as including references to any person responsible for the maintenance of a road.

**63 Ministers' powers to make advances for erection, and c, of traffic signs**

- (1) The appropriate Minister may, out of moneys provided by Parliament, make advances towards any expenses incurred by a council or local authority, on whom any obligation is imposed by or under the foregoing provisions of this Part of this Act in relation to the erection, maintenance, alteration or removal of traffic signs, in the discharge of that obligation.
- (2) An advance under this section may be either by way of grant or by way of loan or partly in the one way and partly in the other, and shall be upon such terms and subject to such conditions as the appropriate Minister thinks fit.

*Construction and Use of Vehicles and Equipment*

**64 Regulation of construction, weight, equipment and use of vehicles**

- (1) The Minister may make regulations 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 in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters:—

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- (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 a vehicle, or the loading thereof;
- (d) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or description or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested;
- (e) the particulars to be marked on motor vehicles and trailers;
- (f) the towing of or drawing of vehicles by motor vehicles;
- (g) the number and nature of brakes, and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order;
- (h) the testing and inspection, by persons authorised by or under the regulations, of the brakes, silencers, steering gear, tyres, lighting equipment and reflectors of motor vehicles and trailers on any premises where they are, subject however to the consent of the owner of the premises;
- (i) 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;
- (j) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, being appliances for signalling by sound, at any times, or on or in any roads or localities, specified in the regulations;

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 and, in the case of regulations made for the purpose specified in paragraph (f) of this subsection, as respects different times of the day or night and as respects roads in different localities.

- (2) Subject to the provisions of this section, it shall not be lawful to use on a road a motor vehicle or trailer which does not comply with any such regulations as aforesaid, applicable to the class or description of vehicles to which the vehicle belongs, as to the construction, weight and equipment thereof; and a person who uses a motor vehicle or trailer in contravention of this subsection, or causes or permits the vehicle to be so used, shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (3) Where any such regulations as aforesaid 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 Vehicles (Excise) Act, 1949, before the expiration of one year from the making of the regulations.

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- (4) The Minister may by order authorise, subject to such restrictions and conditions as may be specified by or under the order, the use on roads—
- (a) 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,
  - (b) of vehicles or trailers, or types of vehicles or trailers. constructed for use outside the United Kingdom, and
  - (c) of new or improved types of motor vehicles or trailers, whether wheeled or wheelless, or of motor vehicles or trailers equipped with new or improved equipment or types of equipment;
- and nothing in the foregoing provisions of this section shall prevent the use of such vehicles, trailers, or types as aforesaid in accordance with the order.
- (5) The Minister may by order make provision for securing that, subject to such restrictions and conditions as may be specified by or under the order, regulations under this section shall have effect in their application to such vehicles, trailers and types thereof as are mentioned in the last foregoing subsection subject to such modifications or exceptions as may be specified in the order.
- (6) Any order under this section may be varied or revoked by a subsequent order of the Minister.
- (7) The powers conferred by this section on the Minister to make orders shall be exercisable by statutory instrument.

## **65 Tests of satisfactory condition of vehicles**

- (1) The provisions of this and the next following section shall have effect for the purpose of ascertaining whether the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment are complied with.
- (2) The Minister may by regulations make provision for the examination of vehicles submitted for examination under this section and for the issue, where it is found on such an examination that the said requirements are complied with, of a certificate (hereafter in this Act referred to as a " test certificate ") that at the date of the examination the requirements were complied with in relation to the vehicle.
- (3) Examinations for the purposes of this section shall be carried out by persons, not being officers of the Minister, authorised for those purposes by the Minister (in this section referred to as " authorised examiners "), by inspectors appointed by the Minister, or by inspectors appointed by any council designated by the Minister for the purposes of this section, being the council of a county, of a borough, or of a large burgh (within the meaning of the Local Government (Scotland) Act, 1947).
- (4) Where a test certificate is refused, the examiner or inspector shall issue a notification of the refusal stating the grounds thereof, and a person aggrieved by the refusal or the grounds thereof may appeal to the Minister; and on any such appeal the Minister shall cause a further examination to be made and either issue a test certificate or issue such a notification as aforesaid.
- (5) For the purposes of their functions under this section the Minister or a council designated for the purposes of this section may provide and maintain—
- (a) stations where examinations under this section may be carried out, and

- (b) apparatus for carrying out such examinations.
- (6) The Minister may make regulations for the purpose of giving effect to the foregoing provisions of this section and for prescribing anything authorised by this section to be prescribed, and in particular as to—
- (a) the authorisation of examiners, the imposition of conditions to be complied with by authorised examiners and the withdrawal of authorisation;
  - (b) the manner in which, conditions under which, and apparatus with which examinations are carried out, the maintenance of that apparatus in an efficient state, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out;
  - (c) the manner in which applications may be made for the examination of vehicles under this section, the manner in which and time within which appeals may be brought under subsection (4) of this section, the information to be supplied and documents to be produced on such an application, examination or appeal, the fees to be paid on such an application or appeal, and the repayment of the whole or a part of the fee paid on such an appeal where it appears to the Minister that there were substantial grounds for contesting the whole or part of the decision appealed against;
  - (d) the form of, and particulars to be contained in, test certificates and notifications of the refusal thereof, and the supply by the Minister of forms for such certificates and notifications and the charges to be made for the supply thereof;
  - (e) the issue of duplicates of test certificates lost or defaced and the fee to be paid for the issue thereof;
  - (f) the keeping by designated councils and authorised examiners of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed;
  - (g) the keeping of records by designated councils and authorised examiners and the furnishing by them of returns and information to the Minister;
- and regulations under this section may make different provision in relation to different cases or classes of cases.
- (7) Any expenses incurred by virtue of this section by the Minister shall be defrayed out of moneys provided by Parliament and any sum received by him by virtue of this section shall be paid into the Exchequer.

## **66 Obligatory test certificates**

- (1) A person who uses on a road at any time, or causes or permits to be so used, a motor vehicle to which this section applies, and as respects which no test certificate has been issued within the appropriate period before the said time, shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (2) The motor vehicles to which this section applies at any time are those first registered under the Vehicles (Excise) Act, 1949, or the Roads Act, 1920, not less than ten years before that time:

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Provided that this section shall not apply to public service vehicles adapted to carry eight or more passengers or to vehicles of such classes or descriptions as may be prescribed, and the Minister may by order made by statutory instrument provide that this section shall apply only to vehicles for the time being registered as aforesaid with such councils as may be specified in the order.

- (3) The Minister may by order made by statutory instrument direct that the last foregoing subsection shall have effect with the substitution, for ten years, of such shorter period as may be specified in the order.

An order under this subsection shall not have effect unless approved by resolution of each House of Parliament.

- (4) The Minister may by regulations exempt from subsection (1) of this section the use of vehicles for such purposes as may be prescribed.
- (5) The Minister may by regulations exempt from subsection (1) of this section the use of vehicles in any such area as may be prescribed.
- (6) The Minister may by regulations provide that where application is made for a licence under the Vehicles (Excise) Act, 1949, for a vehicle to which this section applies, the licence shall not be granted except after either—
- (a) the production of such evidence as may be prescribed of the granting of an effective test certificate or (if it is so prescribed) the production of such a certificate, or
  - (b) the making of such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose prescribed under subsection (4), or in an area prescribed under subsection (5), of this section.

In paragraph (a) of this subsection " effective test certificate " means, in relation to an application for a licence for a vehicle, a test certificate relating to the vehicle and issued within the appropriate period before the date from which the licence is to be in force.

- (7) In this section " appropriate period " means a period of twelve months or such shorter period as may be prescribed.
- (8) For the purpose of spreading the work of issuing certificates in contemplation of a change in the length of the appropriate period, the regulations changing the length of that period may be made so as to come into operation on different days as respects vehicles first registered under either of the enactments mentioned in subsection (2) of this section at different times.
- (9) Where within the appropriate period after the issue of a test certificate, but not earlier than one month before the end of that period, a further test certificate is issued as respects the same vehicle, the further certificate shall be treated for the purposes of this section as if issued at the end of the said appropriate period.
- (10) In this section "prescribed" means prescribed by regulations made by the Minister.
- (11) Any power conferred by this section to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke the order.

## **67 Testing of condition of vehicles on roads**

- (1) An authorised examiner may test a motor vehicle on a road for the purpose of ascertaining whether the requirements imposed by law (whether generally or at specified times or in specified circumstances) as to brakes, silencers, steering gear, tyres, and lighting equipment and reflectors are complied with as respects the vehicle, and of bringing to the notice of the driver any failure to comply with those requirements, and for the purpose of testing the vehicle the examiner may drive it; but a vehicle shall not be required to stop for a test except by a police constable in uniform.
- (2) The following persons may act as authorised examiners for the purposes of this section, that is to say a certifying officer or public service vehicle examiner appointed under Part III of this Act, a person appointed as an examiner under Part IV of this Act, a person appointed to examine and inspect public carriages for the purposes of the Metropolitan Public Carriage Act, 1869, a person appointed to act for the purposes of this section by the Minister, and a police constable authorised so to act by or under instructions of the chief officer of police.

A person appointed as aforesaid shall produce his authority to act for the purposes of this section if required to do so.

- (3) On the examiner proceeding to test a vehicle under this section, the driver may elect that the test shall be deferred to a time, and carried out at a place, fixed in accordance with the Eighth Schedule to this Act, and the provisions of that Schedule shall apply accordingly:

Provided that—

- (a) where it appears to a police constable that, by reason of an accident having occurred owing to the presence of the vehicle on a road, it is requisite that a test should be carried out forthwith, he may require it to be so carried out and, if he is not to carry it out himself, may require that the vehicle shall not be taken away until the test has been carried out; and
  - (b) where in the opinion of a police constable the vehicle is apparently so defective that it ought not to be allowed to proceed without a test's being carried out, he may require the test to be carried out forthwith.
- (4) If a person obstructs an authorised examiner acting under this section, or fails to comply with a requirement of this section or the Eighth Schedule to this Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds.
  - (5) In this section and in the Eighth Schedule to this Act " test " includes " inspect " or " inspection ", as the case may require, and references to a vehicle include references to a trailer drawn thereby.

## **68 Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy**

- (1) Subject to the provisions of this section it shall not be lawful to sell, or to supply, or to offer to sell or supply, a motor vehicle or trailer for delivery in such a condition that the use thereof on a road in that condition would be unlawful by virtue of the provisions of subsection (2) of section sixty-four of this Act or by virtue of any provision made as respects brakes, steering gear or tyres by regulations under that section, or in such a condition, as respects lighting equipment or reflectors or the maintenance thereof, that it is not capable of being used on a road during the hours of darkness without contravention of the requirements imposed by law as to obligatory lamps or reflectors.

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- (2) Subject to the provisions of this section it shall not be lawful to alter a motor vehicle or trailer so as to render its condition such that the use thereof on a road in that condition would be unlawful by virtue of the provisions of the said subsection (2).
- (3) If a motor vehicle or trailer is sold, supplied, offered or altered in contravention of the provisions of this section, any person who so sells, supplies, offers or alters it, or causes or permits it to be so sold, supplied, offered or altered, shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (4) A person shall not be convicted of an offence under this section in respect of the sale, supply, offer or alteration of a motor vehicle or trailer if he proves—
  - (a) that it was sold, supplied, offered or altered, as the case may be, for export from Great Britain, or
  - (b) that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain, or would not be so used until it had been put into a condition in which it might lawfully be so used, or
  - (c) in the case of a vehicle or trailer the sale, supply or offer of which is alleged to be unlawful by reason of its condition as respects lighting equipment or reflectors or the maintenance thereof, that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain during the hours of darkness until it had been put into a condition in which it might be so used during those hours without contravention of the requirements imposed by law as to obligatory lamps or reflectors.
- (5) Nothing in the preceding provisions of this section shall affect the validity of a contract or any rights arising under a contract.
- (6) In this section " obligatory lamps or reflectors " means, in relation to a motor vehicle or trailer, the lamps or reflectors required by law to be carried thereon while it is on a road during the hours of darkness and when it is neither drawing nor being drawn by another vehicle, except that the said expression does not, in the case of a motor vehicle, include any lamps or reflectors required to be carried by virtue of section eleven of the Road Transport Lighting Act, 1957, or, in the case of a trailer, include any lamps or reflectors so required to be carried or any lamps showing a white light to the front.

## **69 Restriction on 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;or such less number as may be prescribed in relation to vehicles of the respective classes aforesaid by regulations made by the Minister, and different regulations may be made under this subsection as respects vehicles of those classes in different circumstances.
- (2) For the purposes of this section the expression " trailer " shall not include a vehicle used solely for carrying water for the purposes of the drawing vehicle or an agricultural vehicle not constructed to carry a load.



- (3) Where—
- (a) a motor car or heavy motor car is, in consequence of a breakdown, being drawn by another motor vehicle, and
  - (b) a trailer is so attached to the car that part of the trailer is superimposed on the car and that, when the trailer is uniformly loaded, not less than twenty per cent. of the weight of its load is borne by the car,
- then if the trailer is unladen the car and trailer shall for the purposes of this section be treated as a single trailer.
- (4) If a person causes or permits a trailer to be drawn in contravention of this section he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

## **70 Regulation of brakes, bells, and c. on pedal cycles**

- (1) The Minister may make regulations for regulating the number, nature and use of brakes in the case of bicycles or tricycles, not being motor vehicles, when used on roads, and for prescribing the appliances to be fitted to such bicycles or tricycles for signalling their approach when used on roads and for securing that the riders of such bicycles or tricycles shall by means of such appliances as aforesaid give audible and sufficient warning of their approach.
- (2) Regulations under this section may provide for repealing byelaws dealing with the same subject matter as the regulations, and for suspending while the regulations remain in force any power of making such byelaws.
- (3) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

## **71 Regulation of brakes on horse-drawn vehicles**

- (1) The Minister may make regulations 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.
- (2) Regulations under this section may be made 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.
- (3) Regulations under this section may provide for repealing byelaws dealing with the same subject matter as the regulations, and for suspending while the regulations remain in force any power of making such byelaws.
- (4) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

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*Status: This is the original version (as it was originally enacted).*

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*Provisions as to Manning and Hours of Duty*

**72 Requirements as to employment of persons to attend to locomotives and trailers**

- (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 a 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 a vehicle used solely for carrying water for the purposes of the drawing vehicle or an agricultural vehicle not constructed to carry a load.
- (4) If a person causes or permits a motor vehicle or trailer to be driven or drawn in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (5) The Minister may by regulations vary the requirements of this section in respect of any class or description of motor vehicles or any class or description of trailers, and regulations made under this subsection with respect to a class or description of vehicles may make different provision in different circumstances.

**73 Limitation of hours of duty of certain drivers**

- (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) a public service vehicle, or
  - (b) a heavy locomotive, light locomotive or motor tractor, or
  - (c) a motor vehicle constructed to carry goods other than the effects of passengers, for a person to drive or cause or permit a 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.
- (2) It shall be a sufficient compliance with the provisions of paragraph (iii) of the foregoing subsection if the driver has at least nine consecutive hours for rest in any such period of twenty-four hours as is therein mentioned provided that he has an

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interval of at least twelve consecutive hours for rest in the next following period of twenty-four hours.

- (3) If a person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months; but 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 a journey arising out of circumstances which he could not reasonably have foreseen.
- (4) 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;

and for the purposes of the provisions of this section which relate to the number of consecutive hours for rest which a driver is to have in a specified period, time during which the driver is bound by the terms of his employment to obey the directions of his employer, or to remain on or near the vehicle, or during which the vehicle is at a place where no reasonable facilities exist for the driver to rest away from the vehicle, shall be deemed not to be time which the driver has for rest.

- (5) The Minister may, on the application of a joint industrial council, conciliation board or other similar body, or on an application by any such organisation, representative of employers or workpeople in the industry, as the Minister of Labour may certify to be a proper body to make such an application, and after referring the matter to the Industrial Court for advice, by order made by statutory instrument vary the periods of time prescribed in this section, provided that he is of opinion that the variation is not likely to be detrimental to the public safety; and an order may be made under this subsection so as to have effect only as respects a particular class of public service vehicles, or only as respects public service vehicles when used in particular circumstances.
- (6) Where an application is made under the last foregoing subsection as respects drivers of stage carriages when used either—
- (a) on regular services under a road service licence to which a condition requiring the observance of a time-table is attached, or
  - (b) on regular services in respect of which no road service licence is required,
- then, if it is shown to the satisfaction of the Industrial Court and of the Minister that the conditions under which the services are operated are such as to secure that the periods deemed to be continuous periods for the purposes of this section during which the vehicles are driven include times in which the drivers are able to obtain rest and refreshment, the Industrial Court, in advising on the application, and the Minister in giving his determination thereon, may have regard to those conditions.

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- (7) An order made under subsection (5) of this section may be revoked or varied by a subsequent order made in like manner and subject to the like conditions.
- (8) This section shall not apply to vehicles used for fire brigade or ambulance purposes.

*Road Safety Information and Road Training*

**74 The Highway Code**

- (1) The Highway Code shall continue to have effect, subject however to revision in accordance with the next following subsection.
- (2) The Minister may from time to time revise the Highway Code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.
- (3) Any alterations proposed to be made in the provisions of the Highway Code on a revision thereof shall, as soon as prepared by the Minister, be laid before both Houses of Parliament, and the revised Code shall not be issued until the proposed alterations have been approved by both Houses.
- (4) Subject to the last foregoing subsection, the Minister shall cause the Highway Code and every revised edition thereof to be printed and may cause copies thereof to be sold to the public at such price as he may determine.
- (5) A failure on the part of a person to observe a 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.
- (6) In this section "the Highway Code" means the code comprising directions for the guidance of persons using roads issued and revised under section forty-five of the Road Traffic Act, 1930.

**75 Powers of Ministers and local authorities as to giving road safety information and training**

- (1) The Minister or, in relation to Scotland, the Secretary of State or the Minister may, with the approval of the Treasury, provide for promoting road safety by disseminating information or advice relating to the use of roads.
- (2) A local authority shall have power to make arrangements for the purposes of the foregoing subsection or for giving practical training to road users or any class or description of road users, and to make contributions towards the cost of arrangements for the like purposes made by other authorities or bodies.
- (3) Where, not less than two months before the beginning of a financial year, the Minister on an examination of arrangements proposed to be made under the last foregoing subsection by a local authority in England or Wales, not being the council of a county or of a county or metropolitan borough, is satisfied that arrangements so made are likely to be effective and notifies the local authority that he is so satisfied, then, from the beginning of that year until a notification by the Minister to the local authority that he is no longer so satisfied takes effect, the expenditure of the county council in respect of the cost of arrangements, or of contributions, made by the county council

under the last foregoing subsection shall not be chargeable on the area of the first-mentioned authority.

A notification by the Minister that he is no longer satisfied as aforesaid shall take effect at the end of the financial year in which it is given or, if it is given during the last two months of a financial year, at the end of the next following financial year.

- (4) The provisions of the Ninth Schedule to this Act shall have effect for authorising the payment of travelling and other allowances in connection with arrangements made by a local authority under subsection (2) of this section.
- (5) In this section " local authority " means—
  - (a) as respects England and Wales, the council of a county, a borough or an urban district, or the Common Council of the City of London,
  - (b) as respects Scotland, a county council or town council.
- (6) Any expenses incurred under this section by the Minister or the Secretary of State shall be defrayed out of moneys provided by Parliament.

**76 Power of Ministers to subsidise bodies, other than local authorities, for giving road safety information and training**

The Minister or, in relation to Scotland, the Secretary of State or the Minister may, with the approval of the Treasury, make out of moneys provided by Parliament contributions towards the cost of any such arrangements as are mentioned in subsection (2) of the last foregoing section, being arrangements made by authorities or bodies other than local authorities within the meaning of that section.

*Accidents*

**77 Duty to stop, and furnish particulars, in case of accident**

- (1) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby personal injury is caused to a person other than the driver of that motor vehicle or damage is caused to a vehicle other than that motor vehicle or a trailer drawn thereby or to an animal other than an animal in or on that motor vehicle or a trailer drawn thereby, 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 "animal" means any horse, cattle, ass, mule, sheep, pig, goat or dog.
- (4) A person who fails to comply with this section shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

**78 General provisions as to accident inquiries**

- (1) Where an accident arises out of the presence of a motor vehicle on a road, the appropriate Minister may direct inquiry to be made into the cause of the accident.
- (2) Where any such accident has occurred, a person authorised by the appropriate 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 a person obstructs a person so authorised in the performance of his duty under this subsection, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (3) If in any case the appropriate Minister considers that an 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) A report made by or to the appropriate Minister as the result of an inquiry under this section shall not be used in evidence by or on behalf of a person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

**79 Special provisions as to accident inquiries in London Traffic Area**

- (1) Where, owing to the presence of a vehicle on a road, an accident occurs within the London Traffic Area and it appears to the Minister that the sole or a contributory cause of the accident was—
  - (a) the nature or character of the road or of the road surface, or
  - (b) a defect in the design or construction of the vehicle or in the materials used in the construction of the road or vehicle,he may, if he thinks fit, cause an inquiry to be held into the cause of the accident.
- (2) In this section " road " includes a highway and a bridge carrying a highway and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not.

**80 Inquests on road deaths in London Traffic Area**

- (1) Where an accident occurs within the London Traffic Area resulting in the death of a person, and it is alleged that the accident was due to—
  - (a) the nature or character of a road or road surface; or
  - (b) a defect in the design or construction of a vehicle or in the materials used in the construction of a road or vehicle;the coroner holding inquiry into the cause of death shall send to the Minister, or to such officer of the Ministry of Transport as the Minister may direct, notice in writing of the time and place of holding the inquest, and of the adjourned inquest; and an officer appointed by the Minister for the purpose shall be at liberty at any such inquest to examine any witness, subject nevertheless to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question.
- (2) In this section " road " has the same meaning as in the last foregoing section.

*Parking Places (General Provisions): off Highways or without Payment on Highways*

**81 Power of local authorities outside London to provide parking places**

- (1) Where for the purpose of relieving or preventing congestion of traffic it appears to a local authority in England or Wales outside the administrative county of London, or in ' Scotland, to be necessary to provide within their district suitable parking places for vehicles, the local authority may in accordance with the provisions of this section provide such parking places (whether above or below ground and whether or not consisting of or including buildings) together with means of entrance to and egress therefrom, or may by order authorise the use as a parking place of any part of a street within their district, not being a street within the London Traffic Area.
- (2) No order under the foregoing subsection shall—
  - (a) authorise the use of any part of a street so as unreasonably to prevent access to any premises adjoining the street or the use of the street by any person entitled to the use thereof, or so as to be a nuisance; or
  - (b) be made in respect of any part of a street without the consent of the authority or person responsible for the maintenance of the street.
- (3) The local authority may adapt for use as, or for providing means of entrance to, or egress from, a parking place any land acquired or appropriated by them for the purposes of this section, and may, with the consent of the authority or person responsible for the maintenance of a street, adapt any part of it for the purpose of providing means of entrance to or egress from a parking place.
- (4) Where a local authority propose to acquire any land for the purposes of this section or to utilise any land appropriated by them for those purposes or to make an order under this section authorising the use as a parking place of any land forming part of a street, they shall, before carrying the proposal into effect—
  - (a) cause notice of the proposal (specifying the land to which it relates and notifying the date, which shall not be less than twenty-eight days, within which any objection to the proposal shall be sent in writing to the local authority) to be published in at least one newspaper circulating within their district and a copy of the notice to be posted for not less than fourteen days on the land; and
  - (b) consider any objection which is sent to them in writing within the time fixed in that behalf, and give notice of their decision on the objection to the person by whom it was made ;and a notice under paragraph (a) of this subsection shall include notice of the right of appeal under the next following subsection and so, in England and Wales, shall a notice under paragraph (b) of this subsection.
- (5) If a person is aggrieved by any such decision as aforesaid he may within twenty-one days after receiving notice thereof,—
  - (a) where the decision is that of a local authority in England or Wales, appeal therefrom to a magistrates' court (which shall have power to make such order in the matter as it considers reasonable);
  - (b) where the decision is that of a local authority in Scotland, appeal therefrom to the sheriff;

and where a person appeals under paragraph (a) of this subsection he shall give notice of the appeal and of the grounds thereof to the clerk to the local authority by which the

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decision was made, and nothing shall be done by the local authority to carry into effect the proposal to which that decision relates until the determination or abandonment of the appeal.

- (6) A local authority may appoint with or without remuneration such officers and servants as may be necessary for the superintendence of parking places.
- (7) A local authority in England or Wales may make byelaws (subject to confirmation by the Secretary of State), and a local authority in Scotland may make regulations, as to the use of parking places, and in particular as to the vehicles or class of vehicles which may be entitled to use any such parking place, as to the conditions upon which any such parking place may be used, and as to the charges to be paid to the local authority in connection with the use of any parking place not being part of a street, and a copy of any byelaws or regulations made under this subsection shall be exhibited on or near any parking place to which they relate.
- (8) Sections three hundred and one to three hundred and three of the Local Government (Scotland) Act, 1947, shall apply, in like manner as they apply to byelaws made under that Act, to regulations made under the last foregoing subsection by a local authority in Scotland, and the Secretary of State shall be the confirming authority as respects such regulations.
- (9) While a vehicle is within a parking place, it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire, and if a person acts in contravention of this provision he shall be liable on summary conviction to a fine not exceeding forty shillings.
- (10) In England and Wales, section six (legal proceedings) of the Public Health Acts Amendment Act, 1907, shall apply to offences under any byelaw made under subsection (7) of this section and to offences under the last foregoing subsection as it applies to offences under that Act or under any byelaw made under the powers thereof, and section seven (appeals to quarter sessions) of that Act shall have effect as if references to that Act included references to this section.
- (11) A local authority in England or Wales may be authorised by the Minister to purchase compulsorily land for the purposes of this section, and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to the compulsory purchase of land under this subsection as if it had been in force immediately before the commencement of that Act.
- (12) The power of a local authority for the purposes of this section to acquire land with the object of providing means of entrance to and egress from a parking place includes power so to acquire with that object any right in, under or over land.
- (13) A local authority in Scotland may borrow such sums as they may require for the purposes of this section.
- (14) A local authority may let for use as a parking place any parking place provided by them, not being part of a street.
- (15) The exercise by a local authority of their powers under this section with respect to the use as a parking place of any part of a street shall not render them subject to any liability in respect of the loss of or damage to any vehicle or the fittings or contents of any vehicle parked in the parking place.



- (16) In this section—
- (a) "local authority" in relation to England and Wales means the council of a county borough or county district, and in relation to Scotland means a county council or town council;
  - (b) " parking place" means a place where vehicles, or vehicles of any particular class or description, may wait;
  - (c) "street", in relation to England and Wales, has the meaning assigned to it by section four of the Public Health Act, 1875;
- and for the purposes of this section an underground parking place shall not be deemed to be part of a street by reason only of its being situated under a street.
- (17) Any power conferred by this section to provide a parking place includes power to maintain it (if below ground) and to maintain buildings comprised in it, and to provide and maintain any cloak-room or other convenience for use in connection with it (references to a parking place in other provisions of this section being accordingly construed as including references to such a convenience).
- (18) For the purposes of the Telegraph Acts, 1863 to 1954, an underground parking place situate under a street which is provided and maintained under this section shall be deemed to be a subway within the meaning of section six of the Telegraph Act, 1878.
- (19) An order made under this section may be varied or revoked by a subsequent order made in like manner.

## **82 Power to enable London local authorities to provide parking places**

- (1) The Minister of Housing and Local Government may by order made by statutory instrument confer upon the Common Council of the City of London and upon metropolitan borough councils and, except in the City of London, upon the London County Council the like powers as, by the last foregoing section, are conferred upon the councils of county boroughs and county districts.
- (2) An order under this section shall provide that the powers conferred by the order shall not be exercised except after consultation with the Minister.
- (3) No such order shall confer power to authorise the use as a parking place of any part of a street except for providing means of entrance to and egress from a parking place.
- (4) The powers conferred upon the London County Council under this section shall not extend to any area on or under a street repairable by the inhabitants at large except with the consent of the highway authority concerned.
- (5) An order under this section may incorporate with adaptations such of the provisions of the Public Health Acts, 1875 to 1932, the Local Government Act, 1933 or the Restriction of Ribbon Development Act, 1935 (including provisions as to the compulsory acquisition of land) as may be necessary for the purpose of the application of the last foregoing section to London.
- (6) An order made under this section may be varied or revoked by a subsequent order made in like manner.

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### **83 Omnibus and coach stations**

- (1) Where, in pursuance of the powers conferred by section eighty-one of this Act, a local authority provide a parking place which may be used by public service vehicles, the local authority may, if they think fit,—
  - (a) by order appoint that parking place as a station for such vehicles;
  - (b) in England or Wales by regulation, and in Scotland by order, declare that subsection (9) of that section shall not apply to public service vehicles, either absolutely or to such extent as may be specified in the regulation or order.
- (2) Where a parking place is appointed under this section as a station for public service vehicles the local authority may—
  - (a) with the consent of the Minister do all such things as are necessary to adapt the parking place for use as such a station, and in particular provide and maintain waiting rooms, ticket offices and lavatories, and other similar accommodation, in connection therewith;
  - (b) make reasonable charges for the use of, or let on hire to any person, any accommodation so provided; and
  - (c) make regulations as to the use of any such accommodation.
- (3) A local authority shall have power to make such reasonable charges for the use of a parking place, not being part of a street, as a station for public service vehicles as may be fixed by the local authority, so however that if the public service vehicle licence holder in respect of any vehicles using the parking place as a station considers that the charges fixed are unreasonable, then, in default of agreement between the licence holder and the local authority for a reduction thereof, the charges in respect of those vehicles shall be such as may be determined by the Minister.
- (4) Where a local authority propose to make an order under paragraph (a) of subsection (1) of this section, they shall cause notice of the proposal to be published in at least one newspaper circulating within their area, and every such notice shall specify the nature of the proposal and state that a copy of the draft order is open to inspection at a specified place, and specify the period, which shall not be less than twenty-eight days, within which any persons affected by the proposed order may send to the Minister and the local authority objections in writing.
- (5) An order made under paragraph (a) of subsection (1) of this section shall be of no effect unless and until it is confirmed by the Minister, and the Minister before confirming any such order shall consider any objections sent as aforesaid, and shall consult with the commissioners for the traffic area in which the area or any part of the area of the local authority is situate.
- (6) The Minister may confirm an order made under paragraph (a) of subsection (1) of this section either without modification or subject to such modifications as he thinks fit, or may refuse to confirm the order.
- (7) The confirmation of an order under paragraph (a) of subsection (1) of this section shall be evidence that the requirements of this section have been complied with.
- (8) The powers conferred on a local authority by subsections (1) and (2) of this section shall be in addition to, and not in substitution for, the powers conferred on a local authority by section eighty-one of this Act.
- (9) The purposes of this section shall be purposes for which a local authority may borrow.

- (10) An order made under paragraph (b) of subsection (1) of this section may be varied or revoked by a subsequent order made in like manner.

#### **84 Provisions as to foreshore in Scotland**

Nothing in sections eighty-one and eighty-three of this Act shall authorise the execution of any works on, over or under tidal lands in Scotland below high-water mark of ordinary spring tides except in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works' being commenced have been approved by the Minister in writing under the hand of one of the secretaries or assistant secretaries of the Ministry of Transport.

*Parking Places (General Provisions): on Highways for Payment*

#### **85 Provision on highways of parking places where charges made**

- (1) The Minister may by order made on the application of the local authority in accordance with the provisions of Part I of the Tenth Schedule to this Act (in this and the five next following sections and in that Schedule referred to as a " designation order ") designate parking places on highways in the metropolitan police district or the City of London for vehicles or vehicles of any class or description specified in the order, and the local authority may make charges for vehicles left in any parking place so designated of such amount as is hereinafter specified.
- (2) In determining what parking places are to be designated under this section the Minister shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which he shall have regard shall include—
- (a) the need for maintaining the free movement of traffic, and
  - (b) the need for maintaining reasonable access to premises, and
  - (c) the extent to which parking accommodation (whether open or covered) otherwise than on highways is available in the neighbourhood or the provision thereof is likely to be encouraged there by the designation of parking places under this section.
- (3) The exercise by a local authority of their functions under this section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle.
- (4) In this and the four next following sections "local authority " means the council of a county borough or county district, the Common Council of the City of London or the council of a metropolitan borough, and " the local authority ", in relation to a parking place or proposed parking place on any site, means that one of the said councils in whose area the site is:

Provided that in the case of a site in a metropolitan borough—

- (a) an application for a designation order may be made by the London County Council, and references in the Tenth Schedule to this Act to a local authority shall be construed accordingly;
- (b) subject to the next following paragraph, the London County Council shall be the local authority if the parking place is designated by an order made on their application;

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- (c) at any time after the making of a designation order the council of the metropolitan borough and the London County Council may apply to the Minister for an order directing that such one of the councils as is not the local authority shall become the local authority for that parking place, and the Minister may, if he thinks fit, make an order accordingly.
- (5) If it appears to the Minister that it is expedient for the purposes of this section that, with a view to experiment or demonstration, parking places on highways should be designated at any sites in the metropolitan police district or the City of London, and that no application under this section for the designation thereof is forthcoming, the Minister may by order made in accordance with the provisions of Part II of the Tenth Schedule to this Act designate those parking places for vehicles or vehicles of any class or description specified in the order, and may make charges for vehicles left in any parking place so designated of such amount as is hereinafter specified; and—
- (a) in relation to parking places designated by virtue of this subsection references in subsection (3) of this section and in the two next following sections to the local authority shall be construed as references to the Minister;
- (b) if the Minister, with the consent of the Treasury, enters into an agreement with the local authority or the London County Council for the transfer to the authority or Council of the operation of the parking place, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, the Minister in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by the Minister) as may be so specified;
- (c) from the taking effect of any such transfer of the operation of a parking place the order designating the parking place shall have effect subject to such modifications (if any) as the Minister may direct, being amendments appearing to him requisite in consequence of the transfer, and the provisions of this and the five next following sections shall thereafter apply as if the parking place had been designated by order made on the application of the council to which the transfer is made.
- (6) An order under the last foregoing subsection shall not continue in force for longer than two years from the coming into operation thereof together with such further period (if any) not exceeding twelve months as the Minister may by order made at any time before the expiration of the order under the last foregoing subsection prescribe:
- Provided that this subsection shall cease to have effect as respects any parking place on the making in relation thereto of an agreement under paragraph (b) of the last foregoing subsection.
- (7) References in the five next following sections and the Tenth Schedule to this Act to a designation order include references to an order under subsection (5) of this section.
- (8) The Minister may by order provide that subsection (1) of this section shall apply to any such area in England or Wales, in addition to the metropolitan police district and the City of London, as may be specified in the order.
- (9) The Secretary of State may by order provide that subsection (1) of this section shall apply to any such area in Scotland as may be specified in the order; and as respects any such area—

- (a) references to the Minister in this and the five next following sections and the Tenth Schedule to this Act shall be construed as references to the Secretary of State;
  - (b) the expression " local authority " in the said provisions means a county council or a town council.
- (10) Nothing in this section or an order under either of the two last foregoing subsections shall affect the operation of section thirty-four or eighty-one of this Act.

## **86 Amount of charges for parking on highways and method of payment**

- (1) The amount of the charge for a vehicle left in a parking place designated under the last foregoing section shall be calculated as follows.
- (2) There shall be a prescribed standard period for each parking place and, subject as hereinafter provided, the amount of the charge for a vehicle left in the parking place for a 'time not exceeding the standard period (hereinafter referred to as the " initial charge ") shall be such amount (hereinafter referred to as the " standard amount ") as may be prescribed, and the initial charge shall be payable on the leaving of the vehicle in the parking place:

Provided that—

- (a) if it is so prescribed, the initial charge for a vehicle left for a time not exceeding one half of the standard period shall be one half of the standard amount, and
  - (b) where the foregoing paragraph has effect, and it is further so prescribed, then if before the end of the prescribed time a further payment of one half of the standard amount is made the two payments shall be treated as a single payment of an initial charge of the standard amount made on the leaving of the vehicle.
- (3) If a vehicle is left in the parking place for longer than the period for which payment was made by the initial charge, the amount of the charge shall be the amount of the initial charge together with such additional amount (hereinafter referred to as the " excess charge ") as may be prescribed, and the excess charge shall be payable in such manner and at such time as may be prescribed.
- (4) If it is so provided in the designation order, there shall be apparatus of the prescribed description for indicating in the prescribed manner, as respects each space provided for the leaving of vehicles, whether the initial charge has been paid and whether the period for which payment was made by the initial charge has expired ; and—
- (a) payment of the initial charge shall be made by the insertion of coins in the apparatus and the doing of any other thing prescribed for the purpose of operating the apparatus;
  - (b) subject to the following paragraph, if at any time while a vehicle is left in the parking place the apparatus relating to the space in which it is left gives the prescribed indication, it shall be presumed unless the contrary is proved that the initial charge has been duly paid and that the period for which payment was made by the initial charge has already expired;
  - (c) if it is proved that the time for which the vehicle has been left in the parking place is less than the standard period, or, where paragraph (a) of the proviso to subsection (2) of this section has effect, less than half the standard period, paragraph (b) of this subsection shall not have effect but it shall be presumed unless the contrary is proved that the initial charge has not been duly paid for the vehicle.

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- (5) Where no such apparatus is in use, the designation order may provide that the initial charge shall be payable on the vehicle's being taken away from the parking place, and where such provision is made subsection (3) of this section shall apply with the substitution, for the reference to the period for which payment was made by the initial charge, of a reference to the standard period.
- (6) A designation order may prescribe that the following provisions shall have effect in relation to charges for vehicles left in the parking place designated by the order in substitution for the four last foregoing subsections, that is to say,—
- (a) the amount of the charge for a vehicle left in the parking place at any period of the day prescribed by the order shall be such amount as may be so prescribed, irrespective of the time for which the vehicle is left;
  - (b) the charge shall be payable either on the leaving of the vehicle or on its being taken away, as may be prescribed;
  - (c) if it is so prescribed, the charge shall be payable by the insertion of coins in an apparatus provided for the purpose of such description as may be prescribed and the doing of any other thing prescribed for the purpose of operating the apparatus, and, unless the contrary is proved, the charge shall be taken to have been duly paid or not to have been duly paid as may be indicated by the apparatus in the prescribed manner.
- (7) Any such apparatus as is mentioned in subsection. (4) or (6) of this section is hereinafter referred to as a parking meter.
- (8) Where provision is made for the use of parking meters it shall be the duty of the local authority to take the prescribed steps for the periodical inspection of the meters and for dealing with any found to be out of order, and for securing the testing of the meters (both before they are brought into use and not less frequently thereafter than may be prescribed or on other prescribed occasions), and for recording in the prescribed manner the date on which and persons by whom a meter has been tested.

## **87 General provisions for regulation of parking on highways where charges made**

- (1) A designation order shall specify whether the parking place designated thereby may be used for the leaving of vehicles at all times or between such hours only as may be specified in the order, and may provide that the parking place may be used only during a specified period of the year, or may not be used on specified days, or may be used only on such days as may be specified; and—
- (a) as respects any time during which provision is not made by the order for the leaving of vehicles in the parking place, it shall be treated for the purposes of the last foregoing and next following sections as if it were not designated by the order, without prejudice, however, to any proceedings for an offence otherwise than under the next following section;
  - (b) where a vehicle, having been left in the parking place, remains there at the beginning of any period during which the leaving of vehicles in the parking place is authorised by the order, then without prejudice to any rights accrued or liabilities incurred in respect of anything previously done or omitted the vehicle shall be treated for the purposes of the last foregoing and next following sections as if it had been left in the parking place at the beginning of that period.

- (2) A designation order may revoke the designation of any place as a parking place under section thirty-four or eighty-one of this Act, and such an order, or a regulation under the said section thirty-four containing a designation of a place as a parking place or an order under the said section eighty-one containing such a designation, may provide that the designation shall not have effect as respects any time during which provision is made under section eighty-five of this Act for the leaving of vehicles in that place.
- (3) A designation order may contain provision for determining by or under the order the positions in which vehicles left in a parking place shall stand, and the manner in which such vehicles shall be driven into or out of, the parking place, may prohibit or restrict the waiting in a parking place, whether in the said positions or elsewhere, of other vehicles, and may contain provision for determining as aforesaid the positions in which other vehicles permitted by the order to wait in the parking place, or to wait there for any purpose specified in the order, shall wait there.
- (4) A designation order may exempt from the payment of any charge vehicles left in the parking place in such circumstances as may be specified in the order, subject however to any conditions so specified.
- (5) The Minister may by order provide that the time for which a vehicle may be left in a parking place designated by a designation order after the excess charge has been incurred shall not exceed such time as may be prescribed; but any such provision of an order shall be without prejudice to the liability to the excess charge.
- (6) The Minister may, as respects parking places designated as aforesaid for which there is a prescribed standard period, by order provide that a vehicle which has been taken away from the place where it was left in any such parking place shall not again be left in that parking place until after the expiration of such interval as may be prescribed.
- (7) The Minister may by order empower the local authority, the chief officer of police, or any other person specified by or under the order, to provide for the moving, in case of emergency, of vehicles left in a parking place, to suspend the use of a parking place or any part thereof on such occasions or in such circumstances as may be determined by or under the order, and to provide for the temporary removal of any parking meters installed at a parking place.
- (8) The Minister may by order make such incidental or consequential provision as appears to him requisite for the purposes of the satisfactory operation of parking places designated by designation orders, including in particular (but without prejudice to the generality of this subsection) provision—
  - (a) for prohibiting or restricting the carrying on of trades or other activities, or the doing of any other thing, at the parking places,
  - (b) for altering the position in a parking place of vehicles left there in contravention of the provisions of an order of the Minister as to the manner in which vehicles shall stand therein, and for the removal from parking places, and safe custody, of vehicles left there in contravention of the provisions of such an order and the recovery of the cost of removal and safe custody,
  - (c) as respects any parking place for which there is a prescribed standard period, for preventing the postponement, by the insertion of additional coins in a parking meter, of the indication of the time after which the excess charge is incurred,
  - (d) for conferring on the local authority powers of acquiring (whether by purchase or hiring) and installing parking meters, of illuminating parking places, and

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of erecting notices or signs and carrying out work on or in the vicinity of a parking place.

## **88 Offences relating to parking places on highways where charges made**

- (1) A person who—
- (a) being the driver of a vehicle, leaves the vehicle in a parking place designated by a designation order otherwise than as authorised by the order, or leaves the vehicle therein for longer after the excess charge has been incurred than the time prescribed under subsection (5) of the last foregoing section, or fails duly to pay any charge payable under section eighty-five of this Act, or contravenes or fails to comply with any provision of an order relating to the parking place as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place, or
  - (b) whether being the driver of a vehicle or not, otherwise contravenes or fails to comply with any order of the Minister relating to parking places designated by designation orders,
- shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent conviction to a fine not exceeding ten pounds.
- (2) In relation to an offence under paragraph (a) of the foregoing subsection of leaving a vehicle for longer after the excess charge has been incurred than the time prescribed under subsection (5) of the last foregoing section, or failing duly to pay any charge payable under section eighty-five of this Act, the reference in the said paragraph (a) to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time it was left in the parking place.
- (3) A person who, with intent to defraud, interferes with a parking meter or operates or attempts to operate a parking meter by the insertion of objects other than current coins of the appropriate denomination shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (4) Where, in any proceedings in England and Wales for an offence under this section of failing to pay any charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid, and any sum ordered to be paid by virtue of this subsection shall be recoverable as a penalty.
- (5) In any proceedings for an offence under this section it shall be assumed, unless the contrary is shown, that any apparatus provided in a parking place, being an apparatus operated by the insertion of coins, is of the prescribed description.
- (6) Where in any proceedings for an offence under this section of failing to pay an excess charge it is not proved that the excess charge had become due, but is proved that the initial charge has not been paid, the defendant may be convicted of an offence under this section of failing to pay the initial charge.
- (7) In England or Wales a local authority may institute proceedings for an offence under this section in connection with a parking place for which they are the local authority.



## **89 Financial provisions relating to exercise of powers under section 85**

- (1) A local authority shall keep an account of their income and expenditure in respect of parking places designated by designation orders for which they are the local authority.
- (2) At the end of each financial year any deficit in the account shall be made good out of the general rate fund and any surplus shall be applied for all or any of the purposes specified in the next following subsection, and in so far as not so applied shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to the carrying out thereof:

Provided that if the local authority so determine, any amount not applied in any financial year may instead of being or remaining appropriated as aforesaid be carried forward in the account kept under subsection (1) of this section to the next financial year, but shall not be carried forward from one quadrennial period to another without the consent of the Minister.

- (3) The said purposes are the following, that is to say:—
  - (a) the making good to the general rate fund of any amounts charged to that fund under the last foregoing subsection in the four years immediately preceding the financial year in question;
  - (b) meeting all or any part of the cost of the provision and maintenance by the local authority of parking accommodation for vehicles otherwise than on highways and whether in the open or under cover;
  - (c) the making to other local authorities, to any county council or, with the consent of the Minister, to other persons, of contributions towards the cost of the provision and maintenance by them in the area of the local authority or elsewhere of parking accommodation for vehicles otherwise than on highways and whether in the open or under cover.
- (4) This section shall apply to the London County Council with the substitution, for references to the general rate fund, of references to the county fund.
- (5) In this section "quadrennial period" means, in relation to a local authority, a period beginning with the date when the local authority first keep the account required by subsection (1) of this section and ending with the fourth complete financial year after that date, or a period of four years beginning immediately after the expiration of a quadrennial period.

## **90 Provisions supplementary to sections 85 to 89**

- (1) In the provisions of sections eighty-five to eighty-nine of this Act "prescribed" means prescribed by order of the Minister.
- (2) Anything authorised or required by the said provisions to be prescribed or to be done by order of the Minister may, save as otherwise expressly required, be prescribed or done either by a designation order or by a general order.
- (3) Any power to make an order conferred by the said provisions shall be exercisable by statutory instrument.
- (4) An order under subsection (8) or (9) of section eighty-five of this Act shall not have effect unless approved by resolution of each House of Parliament.

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- (5) A statutory instrument embodying any order under the provisions of sections eighty-five to eighty-nine of this Act other than subsections (8) and (9) of the said section eighty-five shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The power to make any such order as is mentioned in this section shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke the order.
- (7) Any expenses incurred by the Minister by virtue of subsection (5) of section eighty-five of this Act shall be defrayed out of moneys provided by Parliament, and any sums received by him by virtue of that subsection shall be paid into the Exchequer.

*Parish Parking Places for Bicycles and Motor Cycles*

**91 Power of parish councils to provide parking places for bicycles and motor cycles**

- (1) Where for the purpose of relieving or preventing congestion of traffic or preserving local amenities it appears to a parish council in England or Wales to be necessary to provide within the parish suitable parking places for bicycles and motorcycles, the parish council may provide and maintain such parking places in accordance with the provisions of this section, and for that purpose (or for the purpose of providing means of entrance to and egress from any parking place provided under this section) may—
  - (a) utilise and adapt any land purchased by the council for the purpose or appropriated for the purpose under subsection (2) of this section ; or
  - (b) subject to the provisions of the next following section, adapt and by order authorise the use of any part of a road within the parish;
 and the power under this subsection to provide and maintain parking places shall include power to provide and maintain structures for use as parking places.
- (2) Notwithstanding anything in any other enactment, a parish council may, with the consent of the Minister of Housing and Local Government, appropriate for the purpose of providing a parking place under this section—
  - (a) any part of a recreation ground provided or maintained by the council under section eight of the Local Government Act, 1894;
  - (b) any part of an open space controlled or maintained by the council under the Open Spaces Act, 1906, other than a part which has been consecrated as a burial ground or in which burials have taken place;
  - (c) any part of any land provided by the council as a playing field or for any other purpose under section four of the Physical Training and Recreation Act, 1937:

Provided that any part so appropriated shall not exceed one-eighth of the total area of the recreation ground, open space or land concerned, or eight hundred square feet, whichever is the less.

- (3) No order under subsection (1) of this section shall authorise the use of any part of a road as a parking place under this section so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to use it, or so as to be a nuisance.

- (4) Where a parish council propose to purchase or appropriate any land for the purposes of this section, or to make an order under this section authorising the use of any part of a road for those purposes, they shall, before carrying that proposal into effect,—
- (a) cause a notice of the proposal (specifying the land to which it relates) to be published in at least one newspaper circulating within their parish, and a copy of the notice to be posted for not less than fourteen days on the land; and
  - (b) consider any objection which is sent to them in writing within such time (not being less than twenty-eight days) after the publication of the notice as may be specified therein, and give notice of their decision on the objection to the person by whom it was made ;
- and every notice under paragraph (b) of this subsection shall include notice of the right of appeal under the next following subsection.
- (5) If a person is aggrieved by any such decision as aforesaid, he may within twenty-one days after notice of the decision is given under the last foregoing subsection appeal therefrom by way of complaint to a magistrates' court, and the court may make such order in the matter as it considers reasonable; and where a person appeals under this subsection he shall give notice of the appeal and of the grounds thereof to the chairman of the parish council by which the decision was made, and nothing shall be done by the parish council to carry into effect the proposal to which that decision relates until the determination or abandonment of the appeal.
- (6) A parish council may employ with or without remuneration such persons as may be necessary for the superintendence of parking places provided by the council under this section.
- (7) A parish council may make byelaws (subject to confirmation by the Secretary of State) as to the use of parking places provided under this section, and in particular as to the conditions upon which any such parking place may be used and as to the charges to be paid to the council in connection with the use of any parking place not being part of a road; and a copy of any byelaws made under this subsection shall be exhibited on or near every parking place to which they relate.
- (8) A parish council may let for use as a parking place any parking place provided by them (not being part of a road) under this section; but (without prejudice to any power of a parish council under any other enactment to let a playing field or other land of which a parking place forms part) no single letting under this subsection shall be for a longer period than seven days.
- (9) The exercise by a parish council of their powers under this section with respect to the use as a parking place of any part of a road shall not render them subject to any liability in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle parked in such a parking place.
- (10) An order made under this section may be varied or revoked by a subsequent order made in like manner.

## **92 Provisions as to consents for purposes of section 91**

- (1) A parish council shall not have power by virtue of the last foregoing section to provide a parking place—

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- (a) in a position obstructing or interfering with any existing access to any land or premises not forming part of a road, except with the consent of the owner and the occupier of the land or premises; or
- (b) in a road which is not a highway or in a public path, except with the consent of the owner and the occupier of the land over which the road or path runs ; or
- (c) in any such situation or position as is described in the first column of the following Table, except with the consent of the persons described in relation thereto in the second column of that Table.

TABLE

In a trunk road or any other road maintained by the Minister or on land abutting on any such road.	The Minister.
In a road which is a highway (other than a trunk road or a road maintained as aforesaid or a public path) or on land abutting on any such road.	The county council.
In a road which is a highway belonging to and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of those undertakers.	The undertakers concerned.
On a bridge carrying a highway over a railway, dock, harbour, canal or inland navigation, or on the approaches to any such bridge or under a bridge carrying a railway, canal or inland navigation over a highway.	The railway, dock, harbour, canal or inland navigation undertakers concerned.

- (2) Any consent required by paragraph (c) of subsection (1) of this section shall not unreasonably be withheld, but may be given subject to any reasonable conditions, including a condition that the parish council shall remove any thing to the provision of which the consent relates either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.
- (3) A dispute between a parish council and a person whose consent is required under paragraph (c) of subsection (1) of this section whether that consent is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of any thing to the provision of which the consent relates in accordance with any condition of the consent is reasonably required, shall—
  - (a) in the case of a dispute between the parish council and the Minister, be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers; and
  - (b) in any other case, be referred to and determined by the Minister, who may cause a public inquiry to be held for the purpose.
- (4) Section six of the Local Government (Miscellaneous Provisions) Act, 1953 (which makes provision as to access to telegraphic lines, sewers, pipe-subways, pipes, wires

and other apparatus) shall apply in relation to a parking place (including a structure for use as a parking place) provided by a parish council under section ninety-one of this Act, and to the council by which the parking place is so provided, as it applies in relation to a shelter or other accommodation provided, and to the local authority by which it is provided, under section four of that Act.

- (5) In this section and in the said section six as they apply in relation to a parking place provided under section ninety-one of this Act which forms part of a road, references to removal shall be construed as including references to the suspension or revocation of the order authorising the use of that part of the road as a parking place.

### **93 Provision ancillary to exercise of powers under section 91**

- (1) A parish council may contribute towards—
- (a) the reasonable expenses incurred by any person in doing anything which by virtue of section ninety-one of this Act that council has power to do; and
  - (b) the expenses incurred by any other parish council in exercising their powers under that section.
- (2) Where before the seventeenth day of July, nineteen hundred and fifty-seven, a parish council have provided anything which could be provided by them under section ninety-one of this Act or where, before the date of coming into operation of this section (whether before or after the said seventeenth day of July) or on or after the date of coming into operation of this section, any other person has provided any such thing, the parish council shall have the like power to maintain that thing as if it had been provided by them under the said section ninety-one.
- (3) Without prejudice to any other power of combination, a parish council may by agreement combine with any other parish council for the purpose of exercising the powers conferred by section ninety-one of this Act.

### **94 Application of sections 91 to 93 to boroughs included in rural districts**

The three last foregoing sections shall apply to the council of a borough included in a rural district as they apply to a parish council, and in their application to the council of a borough so included references therein to the parish shall be construed as references to the borough.

### **95 Interpretation of sections 91 to 94**

In the four last foregoing sections, except so far as the context otherwise requires,—

" in " in a context referring to things in a road includes a reference to things under, over, across, along or upon the road;

" owner " has the meaning assigned to it by section three hundred and forty-three of the Public Health Act, 1936;

" parish " in relation to a common parish council acting for two or more grouped parishes, means those parishes;

" public path " has the meaning assigned to it by section twenty-seven of the National Parks and Access to the Countryside Act, 1949;

" road " means a highway (including a public path) and any other road, lane, footway, square, court, alley or passage (whether a thoroughfare or not) to which the public has access, but does not include a road provided or to be

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provided in pursuance of a scheme made or having effect as if made under section eleven of the Highways Act, 1959.

*Parking of Vehicles in Royal Parks*

**96 Power to provide for charges for parking in Royal Parks**

Regulations under section two of the Parks Regulation (Amendment) Act, 1926, may make provision for imposing and recovering charges for the leaving of vehicles, or vehicles of any class or description, in any park to which that Act applies ; and regulations made by virtue of this section may make, as respects charges and penalties recoverable under the regulations, provision corresponding with the provisions of subsection (4) of section eighty-eight of this Act.