



Road Traffic Regulation Act 1967

1967 CHAPTER 76

Traffic regulation outside Greater London

1 Traffic regulation orders outside Greater London.

- (1) Subject to sections 84A, 84B and 84C of this Act, the authority hereinafter specified may make an order (in this section and section 5 of this Act referred to as a " traffic regulation order ") as respects any road outside Greater London 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 for preventing the likelihood of any such danger arising, or
 - (b) for preventing damage to the road or to any building on or near the road, or
 - (c) for facilitating the passage on the road or any other road of any class of traffic (including foot passengers) or of vehicles, or
 - (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 paragraph (d) above, for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
 - (f) for preserving or improving the amenities of the area through which the road runs.
- (2) Subject to section 82 of this Act, 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 borough ; as respects any non-county borough or urban district having a population of over 20,000 according to the last census for the time being, the council of the borough or urban district; and as respects any other area the council of the county; 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.

(3) Subject to subsections (3A) and (4) below, 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 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;

but no prohibition or restriction on waiting imposed under this section shall apply to a stage carriage or express carriage.

(3A) The provision which may be made by a traffic regulation order shall include any provision prohibiting, restricting or regulating the use of a road or any part of the width thereof by, or by any specified class of, foot passengers, either generally or subject to exceptions specified in the order, and either at all times or at times, on days or during periods so specified.

(3B) A traffic regulation order may make provision for identifying any part of any road to which, or any time at which or period during which, any provision contained in the order is for the time being to apply by means of a traffic sign of a type or character specified in the order (being a type prescribed or character authorised under section 54 of this Act) and for the time being lawfully in place; and for the purposes of any such order so made any such traffic sign placed on or near a road shall be deemed to be lawfully in place unless the contrary is proved.

(3C) A traffic regulation order which imposes any restriction upon the use by vehicles of a road, or the waiting of vehicles in a road, may include provision with respect to the issue and display of certificates or other means of " identification of vehicles which are excepted from the restriction, whether generally or in particular circumstances or at particular times.

(3D) A traffic regulation order may also include provision with respect to the issue, display and operation of devices (to be approved either generally or specially by the appropriate Minister) for indicating the time at which a vehicle arrived at, and the time at which it ought to leave, any place in a road in which waiting is restricted by the order, or one or other of those times, and for treating the indications given by any such device as evidence of such facts and for such purposes as may be prescribed by the order.

(4) Provision for regulating the speed of vehicles on roads shall not be made under this section.

- (5) Subject to subsection (6) below and section 5 of this Act, no order shall be made under this section with respect to any road which would have the effect of preventing at any time access for foot passengers, or preventing for more than eight hours in any period of twenty-four hours access for vehicles of any class, to any premises situated on or adjacent to the road, or any other premises accessible for traffic of that class from, and only from, the road.
- (6) Subject to section 5 of this Act, subsection (5) above, so far as it relates to vehicles, shall not have effect 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 the likelihood of any such danger arising, or for preventing damage to the road or buildings on or near it, or for facilitating the passage of vehicular traffic on the road, it is requisite that that subsection should not apply, and it is stated in the order that the said authority is satisfied as aforesaid.
- (7) 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 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.
- (8) A person who contravenes a traffic regulation order or 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, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, £50 and, in any other case, £20.
- (9) If any local Act contains any provision extending the powers conferred by section 26 of the Road Traffic Act 1960 in the application of that section to the area of any local authority, the appropriate Minister, after consultation with that local authority, may by order made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, repeal any provision of that local Act which appears to that Minister to be unnecessary, or make any other amendments to that local Act which appear to that Minister to be required, in consequence of the provisions of Part IX of the Transport Act 1968; and the power to make an order under this subsection shall include power to make an order varying or revoking any previous order thereunder.

5 Certain councils may make orders under ss. 1 and 28 for purpose of general scheme of traffic control.

- (1) Without prejudice to sections 84A, 84B and 84C of this Act, section 1(5), so far as it relates to vehicles, section 1(6) and section 28(2)(a) of this Act shall not apply to any order made under the said sections 1 and 28 jointly by the council of a borough or urban district, or in Scotland, by a county council or town council, if the order is, and is stated to be, made by virtue of this subsection and for the purpose of a general scheme of traffic control in a stated area, nor to an order made under this Act revoking or varying an order so made.
- (2) Any such provision of an order made as aforesaid as has effect by virtue of section 1 of this Act or of an order revoking or varying an order so made in so far as the last-mentioned order subsists by virtue of that section may, notwithstanding anything in that section, be made so as to apply to a trunk road.

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

- (3) No authority shall make an order by virtue of subsection (1) above unless they are satisfied that the general scheme of traffic control—
- (a) is adequate in point of area ; and
 - (b) takes adequate account of the need for maintaining the free movement of traffic and of the need for maintaining reasonable access to premises ; and
 - (c) makes provision for street parking places, and for regulating their use with the aid of apparatus or devices approved by the appropriate Minister, which is suitable, regard being had to the extent to which off-street parking places are available in the neighbourhood or their provision is likely to be encouraged by the scheme.
- (4) Where the council of a county district (other than a rural district) not having power to make traffic regulation orders desires to introduce a general scheme of traffic control in the district or part of it, then (without prejudice to any other power of delegation) for the purpose of enabling that council to introduce such a scheme by means of an order made jointly under sections 1 and 28 of this Act there may—
- (a) on the application of that council to the county council, be delegated to them by the county council all or any of the powers exercisable by the county council in relation to the county district under the said section 1, subject to such restrictions (if any) as the county council think fit to impose ;
 - (b) on the application of the first-mentioned council to the Minister, be delegated to them by him all or any of the powers exercisable by him under the said section 1 as respects trunk roads within the county district, subject to such restrictions (if any) as he thinks fit to impose.

Traffic regulation in Greater London

6 Traffic regulation orders in Greater London.

- (1) Subject to sections 84A, 84B and 84C of this Act, the authority hereinafter specified may by order make provision for controlling or regulating vehicular and other traffic (including foot passengers) on roads in Greater London 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 Schedule 1 to this Act and for any other purpose which is a purpose mentioned in any of paragraphs (a) to (f) of section 1(1) of this Act; but no such order shall contain any provision for regulating the speed of vehicles on roads.
- (2) The authority having power to make an order under this section—
- (a) as respects any road other than a trunk road, shall be the Greater London Council;
 - (b) as respects a trunk road, shall be the Minister or, with the consent of the Minister, that Council.
- (3) Any order under this section may be made so as to apply—
- (a) to Greater London 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 class.

- (4) Any such order may make provision for identifying any part of any road to which, or any time at which or period during which, any provision contained in the order is for the time being to apply by means of a traffic sign of a type or character specified in the order (being a type prescribed or character authorised under section 54 of this Act) and for the time being lawfully in place; and for the purposes of any order so made, any such traffic sign placed on or near a street shall be deemed to be lawfully in place unless the contrary is proved.
- (5) Any such order which imposes any restriction upon the use by vehicles of streets in Greater London, or the waiting of vehicles in such streets, may include provision with respect to the issue and display of certificates or other means of identification of vehicles which are excepted from the restriction, whether generally or in particular circumstances or at particular times.
- (6) Any such order may also include provision with respect to the issue, display and operation of devices (to be approved either generally or specially by the Minister) for indicating the time at which a vehicle arrived at, and the time at which it ought to leave, any place in a street in which waiting is restricted by the order, or one or other of those times, and for treating the indications given by any such device as evidence of such facts and for such purposes as may be prescribed by the order.
- (7) Any such order may provide for the suspension or modification so long as the order remains 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 order, 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 order applies.
- (8) No appeal shall lie to the Minister from the traffic commissioners—
 - (a) under section 135(8) or section 143 of the Road Traffic Act 1960, in the case of a decision of those commissioners with respect to a road service licence for a route wholly or partly within the Metropolitan Traffic Area, or
 - (b) under section 141(4) or (6) of that Act, in the case of a decision with respect to the approval of a route for a road service provided wholly or partly within the London special area by the London Transport Board,if and so far as it is certified by the commissioners that the decision was necessary to secure conformity with any order in force under this section, being an order prescribing the routes to be followed, or streets which are not to be used, by vehicles affected by the decision, the places in streets where such vehicles may or may not wait, or the stopping places for such vehicles.
- (9) If a person acts in contravention of or fails to comply with any order under this section, he shall be liable on summary conviction to a fine not exceeding, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, £50 and, in any other case, £20.
- (11) 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 section 1(7) of this Act to be the date on which it is open for use as a special road.
- (12) In this section and in Schedule 1 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, and references in this section to the London special area and the Metropolitan Traffic Area shall be construed in like manner as if they were contained in the Road Traffic Act 1960.

7 Provisions as to Minister's orders under s. 6.

- (2) Before making any order under section 6 of this Act which will impose new or additional duties on the police, the Minister shall consult the Secretary of State.

8 Provisions as to Greater London Council's orders under s. 6.

- (1) Without prejudice to subsection (1) and to any regulations under subsection (4) of section 84C of this Act, before making any order under section 6 of this Act otherwise than in pursuance of a direction given by the Minister under section 84A(1) thereof, the Greater London Council (hereafter in this section referred to as " the Council ") shall consult with any other council, being a London borough council or the Common Council, within whose area any road affected by the proposed order lies or whose area appears to the Council likely to be affected by that order and, if the order is required to be submitted to the Minister for his consent under section 84B(2) of this Act, the Council shall so consult before so submitting it.

Experimental traffic schemes

9 Experimental traffic orders.

- (1) Subject to sections 84A, 84B and 84C of this Act, for the purpose of carrying out an experimental scheme of traffic control the authority hereinafter specified may by order under this subsection (in this section referred to as an " experimental traffic order ") make the like provision—
- (a) as respects any road outside Greater London, as may be made by an order under section 1 of this Act;
 - (b) as respects traffic on roads in Greater London, as may be made by an order under section 6 of this Act.
- (2) Subject to section 82 of this Act, the authority having power to make an experimental traffic order—
- (a) as respects roads outside Greater London, other than trunk roads, shall be the local authority ;
 - (b) as respects roads in Greater London, other than trunk roads, shall be the Greater London Council;
 - (c) as respects any trunk road in Greater London, shall be the appropriate Minister or, with the consent of that Minister, the Greater London Council;
 - (d) as respects trunk roads outside Greater London, shall be the appropriate Minister.
- (3) An experimental traffic order shall not continue in force for longer than the following period, that is to say—
- (a) if it is made by a local authority, a period of six months ;
 - (b) if it is made by the appropriate Minister or by the Greater London Council, a period of eighteen months ;

but, subject to sections 84A, 84B and 84C of this Act, where an experimental traffic order made by a local authority has not ceased to be in force, the authority may from time to time by order under this subsection direct that it shall continue in force for a further period not exceeding six months from the date when it would otherwise cease to be in force and ending not later than eighteen months after it first came into force.

- (4) An experimental traffic order—
- (a) may provide for the modification or suspension, while the order is in force, of any provision previously made by or under any enactment, being a provision that could have been made by the order ; and
 - (b) shall, to the extent that it is inconsistent with any provision subsequently made by or under any enactment, cease to have effect.
- (5) An experimental traffic order made by the Greater London Council may include provision whereby a specified officer, or some person authorised in that behalf by a specified officer, of that Council may, if it appears to that officer or person essential in the interests of the expeditious, convenient and safe movement of traffic and after consulting with the appropriate commissioner of police and giving such public notice as the Minister may direct, modify or suspend the order or any provision thereof.
- (8) No appeal shall lie to the Minister from the traffic commissioners—
- (a) under section 135(8) or section 143 of the Road Traffic Act 1960, in the case of a decision of those commissioners with respect to a road service licence, or
 - (b) under section 141(4) or (6) of that Act, in the case of a decision of those commissioners with respect to the approval of a route for a road service,
- if and so far as it is certified by the commissioners that the decision was necessary to secure conformity with an experimental traffic order prescribing the routes to be followed, or roads which are not to be used, by vehicles affected by the decision, the places in roads where such vehicles may or may not wait, or the stopping places for such vehicles.
- (9) If a person acts in contravention of, or fails to comply with, an experimental traffic order he shall be liable on summary conviction to a fine not exceeding, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, £50 and, in any other case, £20.
- (10) Section 1(3B) or, as the case may be, section 6(4) of this Act shall apply in relation to an experimental traffic order as it applies in relation to an order under the said section 1 or 6.
- (11) The Minister may repay to the Greater London Council any expenses incurred by that Council in connection with any order made by them under this section.
- (12) In this and the next following section—
- (a) " local authority " has the same meaning as in section 1(2)(a) of this Act; and
 - (b) " road ", in relation to Greater London, includes any street as denned in section 6(12) of this Act.

11 Experimental traffic schemes in Greater 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

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

consent of the Greater London Council, and after giving such notice as that Council may direct, make regulations for regulating vehicular traffic in any manner specified in Schedule 2 to this Act.

- (2) The Greater London Council shall not give their consent to any such scheme as aforesaid affecting a trunk road except with the agreement of the Minister; and in the case of any particular scheme the Minister may, after consultation with the said Council, direct that Council to consent thereto within a specified period or to withhold their consent therefrom; but the Minister shall not give such a direction unless he is satisfied, having regard to any matters appearing to him to be relevant, that the Council's duty under section 84(1) of this Act is not being satisfactorily discharged by the Council and that the giving of the direction is necessary in order to secure compliance with that duty.
- (3) 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 specified in the regulations, and regulations under this section may make different provision for different classes of traffic.
- (4) 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, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, £50 and, in any other case, £20.
- (5) Regulations under this section may suspend or modify any order for the time being in force under section 6 of this Act.
- (6) 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 or periods (if any) not exceeding twelve months in all as the Greater London Council 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 an order under section 6 of this Act.
- (7) 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.
- (8) This section shall apply within Greater 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

12 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 should, by reason of any works' being executed or proposed to be executed on or near the road or by reason of the likelihood of danger to the public or of serious damage to the highway, be restricted or prohibited, they may by order restrict or prohibit the use of that road or of any part thereof by vehicles or by vehicles of any

class or by foot passengers 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 class or by foot passengers 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 section 1(3) or (3A) of this Act or any provision restricting the speed of vehicles ; but no such order or notice shall be made or issued with respect to any road which would have the effect of preventing at any time access for foot passengers to any premises situated on or adjacent to the road, or any other premises accessible for foot passengers from, and only from, the road.
- (4) Where an order under subsection (1) above or a notice under subsection (2) above is made or issued by a highway authority, any such provision as is specified in section 1(3)(a), (b) or (c) or (3A) 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 (5) and (6) of the said section 1 shall apply to an order under this subsection as they apply to an order under that section.
- (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 subsection (4) above, 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 (4) above, 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 subsection (1) above, 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) above shall not continue in force for a longer period than fourteen days from the date thereof.
- (8) The functions of a highway authority under this section shall, in the case of a road which includes a length for the maintenance of which no highway authority is

responsible, extend to that length as well as to the road for the maintenance of which the highway authority are responsible.

This subsection does not extend to Scotland.

- (9) A person who contravenes, or 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 not exceeding £20.
- (10) The provisions of Schedule 3 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.
- (11) In this section " alternative road ", in relation to a road as respects which an order under subsection (1) above or notice under subsection (2) above 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) above.
- (12) The powers conferred by this section on the appropriate Minister to make orders shall be exercisable by statutory instrument, and any power conferred by this section to make an order shall include power to vary or revoke it.

13 Traffic regulation on special roads.

- (1) A special road shall not be used, except as provided by or under regulations made under subsection (2) below, by any traffic other than traffic of a class authorised in that behalf by a scheme under section 1 of the Special Roads Act 1949 or section 11 of the Highways Act 1959 (or, if the road is one to which the last-mentioned Act applies by virtue of section 19 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) above or, as the case may be, by virtue of the said section 19 ;
 - (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 such authority as aforesaid to relax, any prohibition or restriction imposed by the regulations.
- (3) Regulations made under subsection (2) above 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.
- (3A) Where by regulations made under subsection (2) above a limit of speed is to be observed, then, if it is to be observed—
 - (a) on all special roads; or
 - (b) on all special roads provided for the use of particular classes of traffic ; or

- (c) on all special roads other than special roads of such description as may be specified in the regulations; or
- (d) as mentioned in paragraph (a), (b) or (c) above except for such lengths of special road as may be so specified,

section 75 of this Act shall not apply in relation to that limit without prejudice to its application in relation to any lower limit of maximum speed or, as the case may be, higher limit of minimum speed required by any such regulations to be observed on any specified length of any specified special road.

- (4) If a person uses a special road in contravention of this section or of regulations under subsection (2) above he shall be liable on summary conviction to a fine not exceeding—
 - (a) in the case of an offence committed in respect of a motor vehicle otherwise than by unlawfully stopping or allowing the vehicle to remain at rest on a part of the road on which vehicles are in certain circumstances permitted to remain at rest, £50, and
 - (b) in any other case, £20.
- (5) The provisions of this section, and of any regulations made under subsection (2) above, 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 section 1(7) 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) above 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.

14 One-way traffic on trunk roads.

- (1) Without prejudice to the powers of the appropriate Minister under section 1 of this Act, where he proposes to make an order under section 1 of the Trunk Roads Act 1946, or section 7 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 1 or the said section 7, 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 subsection (1) above shall be liable on summary conviction to a fine not exceeding £20, or in the case of a second or subsequent conviction to a fine not exceeding £50.

15 Regulation of use of highways by public service vehicles.

- (1) Subject to subsection (2) below and to sections 84A, 84B and 84C of this Act, 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 ; and any such order may be made—

- (a) so as to apply only to such vehicles of a specified class ; or
- (b) so as to have effect as respects a limited period only or as respects only limited periods in the year,

and may make different provision for different classes of such vehicles.

- (2) No order shall be made under this section as respects Greater London.
- (4) Without prejudice to subsection (1) and to any regulations under subsection (2) of section 84C of this Act, before making any order under subsection (1) above otherwise than in pursuance of a direction given by the Minister under section 84A(1) of this Act, the local authority shall consult with the traffic commissioners for any traffic area constituted for the purposes of Part III of the Road Traffic Act 1960 in which the area or any part of the area of the local authority is situate and, if the local authority's area is situated wholly or partly within an area designated under section 9(1) of the Transport Act 1968, with the Executive for that area; and if the order is required to be submitted to the Minister for his consent under section 84B(1) of this Act, the local authority shall so consult before so submitting it.
- (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 20,000 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.

16 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 section 1(7) 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 of vehicle.
- (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 £20.

17 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, exceeds 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 Minister or a Secretary of State, 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;
 - (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 £20, or in the case of a second or subsequent conviction to a fine not exceeding £50.

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.

- (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

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) above, if he is satisfied that it is proper so to do.

18 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 Part I of the Road Traffic Act 1960 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.

19 Control of driving over Menai Bridge.

- (1) A motor vehicle shall not be driven on or over the Menai Bridge except in accordance with and subject to any restrictions contained in regulations made by the Minister.
- (2) Different regulations may be made under this section as respects different classes of vehicles or as respects the same class of vehicles in different circumstances.
- (3) A person who acts in contravention of subsection (1) above shall be liable on summary conviction to a fine not exceeding £20, or in the case of a second or subsequent conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months.

20 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 so 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) 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) The foregoing provisions of this section shall have effect subject to the provisions of any order for the time being in force under section 25 of the Civic Amenities Act 1967.

Pedestrian crossings

21 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 23 of this Act.
- (2) Where, under the enactments repealed by the Road Traffic Act 1960, 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 23 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 other than Greater London, 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 subsection (6) above, 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.

In this subsection "classified road" means a road which for the time being is classified by the Secretary of State under section 28(2) of the Local Government (Scotland) Act 1966 as a principal road for the purposes of advances under section 8 of the Development and Road Improvement Funds Act 1909 or as a classified road for the purposes of, or for purposes which include the purposes of, this subsection.

- (8) In the application of this section to Greater London "local authority" means—
- (a) as respects a metropolitan road, the Greater London Council;
 - (b) as respects any other road in a London borough, the council of the borough;
 - (c) as respects any other road in the City of London, the Common Council;
- but before the Greater London Council submit any scheme under this section with respect to a metropolitan road they shall consult with any other of the councils aforesaid within whose area that road is situated.
- (9) This section, in its application to Greater London, 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 power 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.

22 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.

23 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 subsection (1) above, 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 £50.
- (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 21 of this Act or by the appropriate Minister in the discharge of the duty imposed on him by section 22 thereof 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

24 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 on their way, by persons appointed by or on behalf of the appropriate authority, other than constables.
- (2) For the purposes of subsection (1) above, 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, situate 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) above 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) above 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) above by the council of a county or county borough as respects places in that county or borough may include an agreement between that council and the police authority for the police area in which those places are 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) above 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 1962 ;
 - (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 1967.

25 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 subsection (1) above 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) above, or who causes a vehicle to be put in motion in contravention of paragraph (b) above, shall be liable on summary conviction to a fine not exceeding £50.

- (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 section 24 of this Act.
- (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 ;
 - (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 ; and
 - (c) where it is proved that a prescribed sign was exhibited by a school crossing patrol at a place in a road where children were crossing or seeking to cross the road, it shall be presumed, unless the contrary is proved, that those children were on their way to or from school.

Street playgrounds

26 Power of local authorities outside Greater London to prohibit traffic on roads to be used as playgrounds.

- (1) Subject to sections 84B and 84C of this Act, the council of a county, 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 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, 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.
- (5) Without prejudice to section 84D of this Act, the appropriate Minister may at any time after giving notice in writing to the authority by whom an order under the foregoing provisions of this section was made, and after holding, if he thinks fit, a public inquiry, by order under this subsection, vary or revoke the authority's 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 to a fine not exceeding £50.
- (9) The powers conferred by subsection (1) above 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.

- (10) Without prejudice to section 26A of this Act, this section shall not apply to Greater London.

26A Power of local authorities in Greater London to prohibit traffic on roads to be used as playgrounds.

- (1) Subject to the provisions of this section, the council of a London borough or the Common Council of the City of London shall have power, for the purpose of enabling roads within their area in respect of which they are the highway authority 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, 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 subsection (1) above shall be of any effect unless and until it is confirmed by the Greater London Council who, if they confirm it, may confirm it either without modification or subject to such modifications as they think fit, but that Council 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 them against the order and, if they think fit, may cause a public inquiry to be held.
- (4) Without prejudice to section 84D of this Act, the Greater London Council may at any time after giving notice in writing to the authority by whom an order under subsection (1) above was made, and after holding, if the Council think fit, a public inquiry, by order of the Council vary or revoke the authority's order.
- (5) 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 to a fine not exceeding £50.
- (6) The Greater London Council may make regulations for prescribing the procedure to be followed in connection with the making of orders by any other authority under this section and the confirmation thereof and for prescribing the manner in which that other authority shall publish notice of the fact that any such order has been made and confirmed and of its effect.

27 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 section 26 or 26A of this Act 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, for the purpose of enabling the road to be used as a playground for children, to make byelaws (subject to confirmation, in the case of byelaws of a local authority in Greater London, by the Greater London Council or, in any other case, 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.

Parking places (general provisions): off highways or without payment on highways

28 Power of local authorities to provide parking places.

- (1) Subject to sections 84A, 84B and 84C of this Act, where for the purpose of relieving or preventing congestion of traffic it appears to a local authority 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 and sections 29 to 32 of this Act provide such parking places (whether above or below ground and whether or not consisting of or including buildings) together with means of entrance thereto and egress therefrom, or may by order authorise the use as a parking place of any part of a road within their district, not being a road the whole or part of the width of which is within Greater London.
- (2) No order under subsection (1) above shall—
 - (a) authorise the use of any part of a road so as unreasonably to prevent access to any premises adjoining the road or the use of the road 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 road without the consent of the authority or person responsible for the maintenance of the road.
- (3) A 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 road, adapt any part of it for the purpose of providing means of entrance to or egress from a parking place.
- (4) 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 road 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.
- (5) 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 cloakroom or other convenience for use in connection with it (references to parking places in other provisions of this section and in sections 29(4) and 31(7) of this Act being accordingly construed as including references to such a convenience).
- (6) In this section and sections 29 to 32 of this Act—
 - (a) " local authority ", in relation to England and Wales, means the council of a county borough, London borough or county district, the Common Council of the City of London or, subject to subsection (7) below, the Greater London Council, and, in relation to Scotland, means a county council or town council;
 - (b) " parking place " means a place where vehicles, or vehicles of any class, may wait;

and for the purposes of those sections an underground parking place shall not be deemed to be part of a road by reason only of its being situate under a road.

- (7) The Greater London Council shall not exercise their powers under this section or section 29 of this Act—
- (a) as respects any London borough, without the consent of the council of that borough, or
 - (b) as respects the City of London, without the consent of the Common Council, except with the consent of the Minister.
- (8) For the purposes of the Telegraph Acts 1863 to 1962 an underground parking place situate under a road which is provided and maintained under this section shall be deemed to be a subway within the meaning of section 6 of the Telegraph Act 1878.

29 Additional powers of local authorities in connection with off-street parking places.

- (1) The power of a local authority under section 28 of this Act to provide off-street parking places shall include power, exercisable in accordance with proposals in that behalf made to the appropriate Minister and approved by him, to provide them in buildings used also for other purposes, and to erect or adapt, and to maintain, equip and manage, buildings accordingly ; and the authority by whom a parking place is so provided may let on such terms as they think fit parts of the building which are not used for the parking place, and may provide services for the benefit of persons occupying or using those parts, and make such reasonable charges for those services as they may determine.
- (2) The appropriate Minister shall not approve proposals submitted to him under subsection (1) above for the provision of a parking place in a building used also for other purposes unless he is satisfied that the extent to which those purposes will be served by the building is no more than reasonable to ensure the economic operation of the parking place.
- (3) A local authority may adapt for use as a temporary off-street parking place any land owned by them or under their control, not being, in the case of land so owned, land acquired or appropriated by them for such a parking place.
- (4) A local authority may let for use as a parking place any off-street parking place provided by them.
- (5) Where under subsection (1) above a local authority provide an off-street parking place in a building, the power conferred on them by subsection (4) above shall extend to letting the parking place separately from the rest of the building and to letting the whole or any part of the building with the parking place.
- (6) A local authority may on such terms as they think fit—
- (a) let land on which they could erect or adapt a building for the purpose of providing an off-street parking place with a view to some other person's doing so ; or
 - (b) arrange with any person for him to provide such a parking place on any land of which he is the owner or in which he has an interest.
- (7) A local authority may at an off-street parking place provided by them under section 28 of this Act provide and maintain such buildings, facilities and apparatus as they think fit for the storage and sale of fuel and lubricants and supply of air and water for the

vehicles, and may let or hire out, on such terms as they think fit, the buildings, facilities or apparatus so provided, but shall not themselves sell or supply fuel or lubricants.

- (8) The foregoing provisions of this section shall not affect the provisions of any local Act as to the provision of parking places.
- (9) A local authority shall have power, and (notwithstanding anything in section 81 of the Road Traffic Act 1960 as originally enacted or in the corresponding provision of the enactments repealed by that Act) shall be deemed always to have had power, to enter into arrangements with any person under which, in consideration of the payment by him to the authority of a lump sum, or series of lump sums, he is authorised to collect and retain the charges made in respect of the parking of vehicles in an off-street parking place provided by the authority under section 28 of this Act, under the said section 81 or under that section as applied by virtue of section 82 of the said Act of 1960 or under the corresponding provisions of the enactments repealed by that Act.

30 Acquisition of land.

- (1) A local authority may be authorised by the appropriate Minister to purchase compulsorily land for the purposes of sections 28 and 29(6)(a) of this Act, and the Acquisition of Land (Authorisation Procedure) Act 1946 or, as the case may be, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 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.

In this subsection " land " includes any interest or right in, over or under land.

- (2) Land compulsorily acquired by a local authority otherwise than for the provision of an off-street parking place and not appropriated for a purpose other than that for which it was acquired shall not be used, by them for the provision of an off-street parking place thereon for a period exceeding twelve months except with the consent of the Minister of the Crown who, at the time when his consent is sought, is the Minister concerned with the function for the purposes of which the land was acquired.
- (3) The power of a local authority to acquire land for the purposes of sections 28 and 29(6)(a) of this Act shall extend to the acquisition of any interest or right in, over or under land.

31 Provisions as to use of parking places provided under s. 28.

- (1) Subject to sections 84A, 84B and 84C of this Act, a local authority may, as respects any parking place—

- (a) provided by the authority under section 28 of this Act, or
- (b) provided under any letting or arrangements made by the authority under section 29(6) thereof,

by order make provision as to the use of the parking place, and in particular as to the vehicles or class of vehicles which may be entitled to use it, as to the conditions on which it may be used, as to the charges to be paid in connection with its use (where it is an off-street one) and as to the removal therefrom of a vehicle left there in contravention of the order and the safe custody of the vehicle.

- (2) An order under subsection (1) above may provide for a specified apparatus or device to be used as a means to indicate the time at which a vehicle arrived at, and the time at which it ought to leave, a parking place, or one or other of those times, or

the charges paid or payable in respect of a vehicle in an off-street parking place, or as a means to collect any such charges, and may make provision regulating the use of any such apparatus or device; but an order shall not provide for the use of any apparatus or device not generally or specially approved for the purpose by the appropriate Minister and, where an order provides for the use of any apparatus or device for collecting charges at an off-street parking place, the local authority shall comply with any directions of the appropriate Minister as to the testing, maintenance and periodical inspection of the apparatus or device.

- (3) In the event of any contravention of, or non-compliance with, a provision of an order under subsection (1) above, the person responsible shall be liable on summary conviction to a fine not exceeding £5 or, in the case of a second or subsequent conviction, to a fine not exceeding £10 ; and where such an order provides for the use of any apparatus or device for collecting charges at an off-street parking place, any person who, with intent to defraud, interferes with the apparatus or device, or operates or attempts to operate it by the insertion of objects other than current coins of the appropriate denomination, shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (4) An order under subsection (1) above may include provision—
 - (a) for determining the person responsible for any contravention of, or non-compliance with, the order;
 - (b) for treating the indications given by any apparatus or device used in pursuance of the order as evidence, and in Scotland sufficient evidence, of such facts and for such purposes as may be provided by the order ;
 - (c) for applying with any appropriate adaptations any of the provisions of section 42(5) to (7) of this Act.
- (5) 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 £2.
- (6) In England or Wales, a local authority may institute proceedings for offences in connection with parking places provided by the authority, or provided under any letting or arrangements made by the authority under section 29(6) of this Act, being offences under subsection (3) or (5) above.
- (7) A local authority may appoint with or without remuneration such officers and servants as may be necessary for the superintendence of parking places.
- (8) Nothing in subsections (1) to (4) above shall affect the Restriction of Ribbon Development (Power to Provide Parking Places) Order 1936, so far as it applies to the City of London or apply to any byelaws having effect as respects the City of London by virtue of that Order; and that Order, so far as it so applies, shall continue to have effect by virtue of this subsection.

32 Provisions supplemental to ss. 28 to 31.

- (5) A local authority may contribute towards the expenses incurred by any other authority in the exercise of their powers under sections 28, 29(1), 30 and 31(7) of this Act.

- (6) A local authority in Scotland may borrow such sums as they may require for the purposes of the provisions mentioned in subsection (5) above.

33 Omnibus and coach stations.

- (1) Subject to subsection (1A) below and to sections 84A, 84B and 84C of this Act, where, in pursuance of the powers conferred by section 28 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, or for a specified class of, such vehicles ;
- (b) in England or Wales by regulation, and in Scotland by order, declare that section 31(5) of this Act shall not apply to public service vehicles, either absolutely or to such extent as may be specified in the regulation or order.

- (1A) Without prejudice to subsection (1) and to any regulations under subsection (2) or (4) of section 84C of this Act, before making an order under subsection (1)(a) above otherwise than in pursuance of a direction given by the Minister under section 84A(1) of this Act, the local authority shall consult—

- (a) with the appropriate traffic commissioners; and
- (b) if the local authority's area is situated wholly or partly within an area designated under section 9(1) of the Transport Act 1968, with the Executive for that area ;

and, if the order is required to be submitted to the Minister for his consent under section 84B of this Act, the authority shall so consult before so submitting it.

- (2) Where a parking place is appointed under this section as a station for public service vehicles, the local authority may—

- (a) 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 appropriate traffic commissioners.

- (5) In this section, the expression " the appropriate traffic commissioners " means the commissioners for any traffic area constituted for the purposes of Part III of the Road Traffic Act 1960 in which the area or any part of the area of the local authority is situate.

- (8) The powers conferred on a local authority by subsections (1) and (2) above shall be in addition to, and not in substitution for, the powers conferred on a local authority by sections 28 and 29(1) of this Act.

- (9) The purposes of this section shall be purposes for which a local authority may borrow.

34 Provisions as to foreshore in Scotland.

- (1) Nothing in sections 28, 29(1), 30(1) and 33 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 in writing by the Board of Trade.
- (2) The functions of the Board of Trade under this section may be exercised by the President of the Board of Trade, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board.

Parking places (general provisions): on highways for payment

35 Provision on highways of parking places where charges made.

- (1) Subject to sections 84A, 84B and 84C of this Act, the following authority, namely—
 - (a) as respects any part of Greater London, the Greater London Council on the application of the local authority;
 - (b) as respects any other area, the local authority with the consent, if they are not the highway authority for the highway in question, of that highway authority, may by order designate parking places on highways in the local authority's area for vehicles or vehicles of any class 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 prescribed under section 36 of this Act.
- (1A) Any order under this section, whether made under subsection (1) above or under subsection (5) below, may designate any parking place for use, either at all times or at times specified in the order, only by such persons or vehicles, or such persons or vehicles of any class specified in the order, as may be authorised for the purpose by a permit from the authority operating the parking place; and that authority may, in the case of any particular parking place and any particular vehicle, or any vehicle of a particular class, instead of making a charge as mentioned in the said subsection (1) or (5), issue a permit for that vehicle to be left in that parking place while the permit remains in force either at all times or at such times as may be specified in the permit and make such charge in connection with the issue or use of that permit of such amount payable in such manner as the authority by whom the designation order was made may by order prescribe ; but no charge shall be made by virtue of this subsection in respect of a public service vehicle.
- (2) In determining what parking places are to be designated under this section the authority concerned shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority 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 any authority of 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 section and sections 36 to 44 of this Act " 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 London borough or, in Scotland, a county council or a town council 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.
- (5) If it appears to the Greater London Council, without any application being made by the local authority, that it is expedient that parking places be designated under this section on highways at any sites in Greater London, then, subject to sections 84A, 84B and 84C of this Act, they may by order designate those parking places for vehicles or vehicles of any class specified in the order, and may make charges for vehicles left in any parking place so designated of such amount as is prescribed under section 36 of this Act; and—
- (a) in relation to parking places designated by virtue of this subsection references in sections 36 and 37 of this Act to the local authority shall be construed as references to the Greater London Council;
 - (b) if the Greater London Council enter into an agreement with the local authority for the transfer to the local authority of the operation of any parking place so designated, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, the Greater London Council 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 Greater London Council) 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 Greater London Council may direct, being modifications appearing to them requisite in consequence of the transfer, and the provisions of this section and sections 36, 37, 42 and 44 of this Act shall thereafter apply as if the parking place had been designated by order made on the application of the local authority.
- (6) Where an order has been made under paragraph (a) of subsection (1) above on the application of a local authority, an order under that paragraph by virtue of section 84D(1) of this Act varying or revoking the first-mentioned order may be made without such an application.
- (7) Subject to sections 84A, 84B and 84C of this Act, in any case where it appears to the authority concerned to be expedient so to do having regard to any objections duly made in respect of proposals made by that authority for a designation order or, where that authority are the Greater London Council, in respect of an application made to that Council for such an order, they may, if they think fit, make an interim order pursuant to the proposals or application in respect of any one or more of the sites affected or in respect of any part of any of those sites and postpone for further consideration the making of any further order in pursuance of the proposals or application.
- (9) Nothing in this section shall affect the operation of section 6 or 28 of this Act.

36 Regulation of parking in places designated under s. 35.

- (1) Subject to sections 84A, 84B and 84C of this Act, the authority by whom a designation order is made shall by order prescribe any charges to be paid for vehicles left in a parking place designated by the order, and any such charge may be prescribed either—
 - (a) as an amount (hereinafter referred to as an initial charge) payable in respect of an initial period and an amount (thereinafter referred to as an excess charge) payable, in addition to an initial charge, in respect of any excess over an initial period ; or
 - (b) as an amount payable regardless of the period for which a vehicle is left.
- (2) Subject to the said sections 84A, 84B and 84C, the authority by whom a designation order is made may by order make such provision as may appear to that authority to be necessary or expedient for regulating or restricting the use of any parking place designated by the order, or otherwise for or in connection with the operation of such a parking place, and in particular, but without prejudice to the generality of the foregoing provision, provision—
 - (a) for regulating the time at which and the method by which any charge is to be paid and for requiring the use of apparatus of such type or design as may be approved by the appropriate Minister, either generally or specially (hereinafter referred to as a parking meter) being apparatus designed either—
 - (i) to indicate whether any charge has been paid and whether the period for which it has been paid or any further period has elapsed, or
 - (ii) to indicate the time and to issue tickets indicating the payment of a charge and the period in respect of which it has been paid ;
 - (b) for treating the indications given by a parking meter or any ticket issued by it, or the absence of any such ticket from a vehicle left in a parking place, as evidence, and in Scotland sufficient evidence, of such facts as may be provided by the order;
 - (c) for prohibiting the insertion in a parking meter of coins additional to those inserted by way of payment of any charge;
 - (d) for enabling the local authority to determine, subject to any restrictions specified in the order, the number and dimensions of the spaces in which vehicles may be left in a parking place ;
 - (e) for authorising the alteration of the position in a parking place or the removal from a parking place of vehicles in respect of which any order relating to the parking place has been contravened or not complied with and for the safe custody of vehicles so removed;
 - (f) for exempting from the payment of any charge any vehicle left in a parking place in such circumstances as may be specified in the order and for treating any vehicles so exempted as having been left there, and the charge from which it is exempted as having been paid, at such time as may be so specified ;
 - (g) for prohibiting or restricting the carrying on of trade or other activities, or the doing of any other thing, at a parking place;
 - (h) for conferring on the local authority powers of illuminating parking places, and of erecting notices or signs and carrying out work on or in the vicinity of a parking place;
 - (i) for regulating the grant, revocation and surrender of any permit such as is mentioned in section 35(1A) of this Act and the issue, use and surrender of tokens indicating the holding of such a permit or the payment of any charge in connection with the issue or use of the permit, for requiring a vehicle to

which such a permit applies to display the permit or such a token when left in any parking place to which the permit applies, and for treating the display of or failure to display the permit or such a token on any vehicle left at a parking place as evidence, and in Scotland sufficient evidence, of such facts as may be provided by the order;

- (j) for the refund in such circumstances and in such manner as may be prescribed by the order of the amount of any charge paid in advance by virtue of the said section 35(1A).

37 Provisions supplementary to ss. 35 and 36.

- (1) Where, under a designation order, vehicles may not be left at all times in the parking place designated by it—
 - (a) the parking place shall for the purpose of sections 36 and 42 of this Act be treated, as respects any time during which vehicles may not be left there in pursuance of the order, as if it were not designated by the order ;
 - (b) any vehicle left in the parking place which remains there at the beginning of a period during which vehicles may be left there in pursuance of the order shall for the purposes of those sections be treated as if it had been left there at the beginning of that period, but without prejudice to any rights or liabilities in respect of anything done or omitted at any time before the beginning or after the end of that period.
- (2) A designation order may revoke the designation of any place as a parking place under section 6 or 28 of this Act, and such an order, or an order under either of those sections containing a designation of a place as a parking place, may provide that the designation shall not have effect as respects any time as respects which provision is made under section 35 of this Act for the leaving of vehicles in that place.
- (3) Subject to sections 84A, 84B and 84C of this Act, the authority by whom a parking place is designated under section 35 of this Act 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 the parking place, to suspend the use of the 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 the parking place.
- (4) Any local authority may acquire, whether by purchase or by hiring, such parking meters and other apparatus as appear to the authority to be required or likely to be required for the purposes of their functions under sections 35 and 36 of this Act and of this section.
- (5) 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 the person by whom a meter has been tested ; and in this subsection the expression " prescribed " means prescribed by order of the appropriate Minister made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and the power to make an order under this subsection shall include power to make an order varying or revoking any previous order thereunder.

- (6) Where provision is made for the use of apparatus other than parking meters, subsection (5) above shall apply to such apparatus as it applies to a parking meter.

39 Designation orders outside Greater London.

- (1) A designation order made in respect of highways in any area outside Greater London may include such provisions—
- (a) for any of the purposes specified in paragraphs (a) to (c) of section 1(3) of this Act, or
 - (b) for authorising the use, without charge (but subject to such, if any, conditions as may be specified in the order), of any part of a road as a parking place for vehicles or for vehicles of such classes as may be specified in the order,
- as the authority making the order may consider appropriate in connection with the designation order; and a designation order making provision for any of the purposes referred to in paragraph (a) above may vary or revoke any subsisting provision made for any of those purposes under section 1 of this Act.
- (2) A designation order making such provision as is mentioned in subsection (1)(b) above may include provision for the removal, from any place authorised by virtue of that paragraph to be used as a parking place, of any vehicle left there in contravention of the order, and for the safe custody of the vehicle.

40 Provisions supplementary to ss. 35 to 39.

- (2) Anything authorised or required by the provisions of sections 35, 36 and 37 of this Act to be prescribed or to be done by order may, save as otherwise expressly required, be prescribed or done either by a designation order or by a general order.

41 Limitation of right to challenge designation orders in legal proceedings.

- (1) If any person desires to question the validity of a designation order, or of any provision contained in the order, on the ground that it is not within the powers of sections 35, 36, 37 and 39 of this Act, or on the ground that any requirement of those sections or of section 84A, 84B or 84C of this Act or of any regulations made under the said section 84C has not been complied with in relation to the order, he may, within six weeks from the date on which the order is made, make an application for the purpose to the High Court or the Court of Session, as the case may be.
- (2) On any application under subsection (1) above, the court—
- (a) may, by interim order, suspend the operation of the designation order, or of any provision of that order, either generally or so far as may be necessary for the protection of the interests of the applicant, until the final determination of the proceedings ; and
 - (b) if satisfied that the designation order, or any provision of that order, is not within the said powers, or that the interests of the applicant have been substantially prejudiced by failure to comply with any of the said requirements, may quash the designation order, or any provision of that order, either generally or so far as may be necessary as aforesaid.
- (3) Except as provided by this section, a designation order shall not, either before or after it has been made, be questioned in any legal proceedings whatever.

42 Offences relating to parking places on highways where charges made.

(1) A person who—

- (a) being the driver of a vehicle, leaves a vehicle in a parking place designated by a designation order otherwise than as authorised by or under an order relating to the parking place, or leaves the vehicle therein for longer after the excess charge has been incurred than the time so authorised, or fails duly to pay any charge payable under section 35 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 relating to parking places designated by designation orders,

shall, subject to subsection (3) below, be liable on summary conviction to a fine not exceeding £5 or, in the case of a second or subsequent conviction, to a fine not exceeding £10.

- (2) In relation to an offence under subsection (1)(a) above of leaving a vehicle for longer after the excess charge has been incurred than the time authorised by an order relating to the parking place, or failing duly to pay any charge payable under section 35 of this Act, the reference in that paragraph 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) Where a parking meter relating to the space in which a vehicle is left in a parking place designated by a designation order indicates that the period for which payment made for the vehicle by an initial charge has expired, but the authority by whom the parking place is controlled is satisfied that that charge was not paid, acceptance by that authority of payment of the excess charge shall be a bar to proceedings for an offence under subsection (1)(a) above of failing duly to pay the initial charge.
- (4) 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 £50 or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (4A) Where, in the case of any vehicle with respect to which there has been issued any authorisation by way of such a certificate, other means of identification or device as is referred to in section 1(3C) or (3D) or section 6(5) or (6) or such a permit or token as is referred to in section 36(2)(i) of this Act, the authority by whom any parking place designated by a designation order is controlled is satisfied that, in accordance with the terms on which the authorisation was issued, a charge has become payable and has not been paid in respect of any period for which that vehicle has been left in that parking place, acceptance by that authority of payment of the amount of that charge shall be a bar to proceedings for an offence under subsection (1)(a) above of failing duly to pay the charge.
- (5) 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.
- (6) In any proceedings for an offence under this section it shall be assumed, unless the contrary is shown, that any apparatus provided for the purposes of a parking place,

being an apparatus operated by the insertion of coins, is of a type and design approved by the appropriate Minister.

- (7) 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 an initial charge has not been paid, the defendant may be convicted of an offence under this section of failing to pay an initial charge.
- (8) In England or Wales a local authority or the Greater London Council may institute proceedings for an offence under this section in connection with a parking place controlled by them.
- (10) In this section " excess charge ", " initial charge " and " parking meter " have the same meanings as in section 36 of this Act.

43 Contravention, etc., of provisions of certain designation orders.

- (1) Section 42 of this Act shall not apply to contraventions of, or failures to comply with, any provisions of a designation order having effect by virtue of section 39(1) of this Act.
- (2) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of any provision of a designation order having effect by virtue of the said section 39(1) (a) shall be liable on summary conviction, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, to a fine not exceeding £50 and, in any other case, to a fine not exceeding £20.
- (3) In the event of a contravention of, or non-compliance with, a provision of a designation order having effect by virtue of the said section 39(1)(b), the person responsible (as determined in accordance with the order) shall be liable on summary conviction to a fine not exceeding £5 or, in the case of a second or subsequent conviction, to a fine not exceeding £10.
- (4) In England or Wales the council of a county borough or county district may institute proceedings for an offence under subsection (3) above in connection with a parking place in their area.

44 Financial provisions relating to exercise of powers under s. 35.

- (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 subsection (3) below, 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) above to the next financial year, but shall not be carried forward from one quadrennial period to another without the consent of the appropriate 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 subsection (2) above 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, to the Greater London Council or, with the consent of the appropriate 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;
 - (d) if it appears to the local authority that the provision in their area of further parking accommodation for vehicles otherwise than on highways is for the time being unnecessary or undesirable, the following purposes, namely—
 - (i) meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services;
 - (ii) purposes of a project connected with the carrying out by the appropriate highway authority (whether or not the local authority) of any operation which within the meaning of the Highways Act 1959 constitutes the improvement of a highway in the local authority's area or, in the case of an authority in Scotland, of any work or operation on any highway in the local authority's area which is authorised by any of the enactments specified in subsection (3A) below.
- (3A) The enactments referred to in subsection (3)(d)(ii) above are—
- (a) sections LXXXIV, LXXXV, XCIV and C of Schedule C to the Roads and Bridges (Scotland) Act 1878;
 - (b) section 130 of the Burgh Police (Scotland) Act 1892;
 - (c) section 8(5) of the Development and Road Improvement Funds Act 1909 ;
 - (d) section 58 of the Road Traffic Act 1930 ;
 - (e) section 4 of the Restriction of Ribbon Development Act 1935;
 - (f) section 3(2) of the Trunk Roads Act 1946 ;
 - (g) the Highways (Provision of Cattle Grids) Act 1950 ;
 - (h) section 45 of the Road Traffic Act 1956.
- (4) In this section "quadrennial period" means, in relation to a local authority, a period beginning with the date when the local authority first kept the account required by subsection (1) above 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.
- (5) In relation to parking places designated, by virtue of section 35(5) of this Act, by an order of the Greater London Council, references in this section to the local authority shall be construed as references to that Council.

Grants towards cost of off-street parking places

45 Grants towards cost of provision and maintenance of off-street parking places.

- (1) Where by virtue of section 84A(2) of this Act a parking place has been designated under section 35 of this Act by a Minister, that Minister may make grants out of moneys provided by Parliament towards the cost of the provision and maintenance of off-street parking places, whether in the open or under cover, or for any purpose such as is mentioned in section 44(3)(d)(i) or (ii) of this Act, but in exercising his powers under this section shall use his best endeavours to secure that the aggregate of the amounts paid by him by way of grants does not exceed the difference between the aggregate of the sums received by him by way of charges made by him for vehicles left in parking places designated by him under the said section 35, and the aggregate of the expenses incurred by him in the provision, operation and maintenance of the parking places in respect of which those charges are made.

Parish parking places for bicycles and motor cycles

46 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 motor cycles, 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) utilize and adapt any land purchased by the council for the purpose or appropriated for the purpose under subsection (2) below, or
 - (b) subject to the provisions of section 47 of this Act, 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 8 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 4 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) above 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.

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

- (4) 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.
- (5) A parish council may make byelaws (subject to confirmation by the Minister) 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.
- (6) 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.
- (7) 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.
- (8) An order made under this section may be varied or revoked by a subsequent order made in like manner.
- (9) In the application of this section to Wales and Monmouthshire subsection (2) shall have effect as if for the reference to the Minister of Housing and Local Government there were substituted a reference to the Secretary of State.

47 Provisions as to consents for purposes of s. 46.

- (1) A parish council shall not have power by virtue of section 46 of this Act to provide a parking place—
- (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 the Secretary of State for Wales or on land abutting on any such road.	The Minister or the Secretary of State, as the case may be.
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 subsection (1)(c) above shall not be unreasonably 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 subsection (1)(c) above 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 or the Secretary of State, 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 6 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 46 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 4 of that Act
- (5) In this section and in the said section 6 as they apply in relation to a parking place provided under the said section 46 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.

48 Provisions ancillary to exercise of powers under s. 46.

- (1) A parish council may contribute towards—
- (a) the reasonable expenses incurred by any person in doing anything which by virtue of section 46 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 17th July 1957, a parish council have provided anything which could be provided by them under the said section 46 or where, before 1st September 1960 (whether before or after 17th July 1957) or on or after 1st September 1960, 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 46.
- (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 the said section 46.

49 Application of ss. 46 to 48 to boroughs included in rural districts.

Sections 46,47 and 48 of this Act 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.

50 Interpretation of ss. 46 to 49.

In sections 46 to 49 of this Act, 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 343 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 27 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 provided in pursuance of a scheme made or having effect as if made under section 11 of the Highways Act 1959.

Parking of vehicles in Royal Parks

51 Power to provide for charges for parking in Royal Parks.

Regulations under section 2 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, 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 section 42(5) of this Act.

Provisions as to vehicles removed from parking places, etc.

52 Charges for removing and storing vehicles.

- (1) Where a vehicle is removed from a road in pursuance of regulations under section 20 of this Act, or is removed from a parking place in pursuance of an order under section 31(1) thereof or of an order relating to a parking place designated under section 35 thereof, or of a provision of a designation order having effect by virtue of section 39(2) thereof, there shall be payable to the appropriate authority by the prescribed person—
 - (a) in respect of the removal, the fixed charge, and
 - (b) in respect of any period during which the vehicle is in the custody of that authority, a charge ascertained by reference to the prescribed scale.
- (2) The fixed charge in respect of the removal of a vehicle shall be £2 or such other sum (whether greater or smaller) as may be prescribed.
- (3) In England or Wales, a charge under this section not exceeding £20 may be recovered either as a simple contract debt in any court of competent jurisdiction or summarily as a civil debt and a charge under this section exceeding £20 may be recovered in the former manner.
- (4) In this section " appropriate authority "—
 - (a) in relation to a vehicle removed by a constable, means the chief officer of the police force to which the constable belongs;
 - (b) in relation to a vehicle removed by a person acting in aid of a police force, means the chief officer of that force;
 - (c) in relation to a vehicle removed by a person other than as aforesaid from a parking place provided or controlled by a local authority, means that authority;
 - (d) in relation to a vehicle removed by a person other than as aforesaid from a parking place in Greater London designated under section 6 of this Act, means the local authority (being the Common Council of the City of London or the council of the London borough) within whose area the parking place is situate ;
 - (e) in relation to a vehicle removed by a person other than as aforesaid from a road otherwise than from a parking place, means the local authority (being the council of the county borough or county district, the Common Council of the City of London or the council of the London borough or in Scotland the county council or town council) within whose area is situate the length of road from which the vehicle is removed;and " prescribed " means prescribed by order made by the appropriate Minister; and for the purposes of paragraph (c) above a parking place provided under a letting or arrangements made by a local authority in pursuance of section 29(6) of this Act shall be treated as provided by them.
- (5) In relation to parking places designated, by virtue of section 35(5) of this Act, by an order of the Greater London Council, references in this section to the local authority shall be construed as references to that Council.
- (6) Any sum recovered under this section by the chief officer of a police force shall be paid into the police fund.
- (7) An order made under this section by the appropriate Minister may be revoked or varied by a subsequent order made by him.

- (8) The powers conferred by this section on the appropriate Minister to make orders shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) The foregoing provisions of this section shall have effect subject to the provisions of any order for the time being in force under section 25 of the Civic Amenities Act 1967.

53 Disposal of vehicles abandoned on roads or in parking places.

- (1) Regulations under section 20 of this Act, an order under section 31(1) thereof, an order relating to a parking place designated under section 35 thereof or an order containing a provision having effect by virtue of section 39(2) thereof may contain provision as respects a vehicle which has been, or could at any time be, removed in pursuance of the regulations or order,—
 - (a) for authorising the competent authority, if it appears to them that the vehicle has been abandoned, to sell or otherwise dispose of it;
 - (b) for authorising the application of the proceeds of a sale by the competent authority of the vehicle in or towards satisfaction of any costs incurred by them in connection with the disposal thereof or any charge to payment of which they are entitled as regards the vehicle under section 52 of this Act;
 - (c) for recouping the competent authority any such costs as aforesaid so far as not satisfied by virtue of paragraph (b) above;
 - (d) for regulating the disposal of any sums received by the competent authority on a sale of the vehicle, after deducting any sum applied thereout by virtue of paragraph (b) above.
- (2) Any such regulations or order as are or is referred to in subsection (1) above shall be so framed as to secure that a power of disposal conferred thereby shall not be exercisable in the case of a vehicle unless there have been taken by the competent authority such steps and there has elapsed such period (not being less than six weeks) beginning with the taking of the first of them as may be prescribed by the regulations or order, being steps and a period whose respective taking and lapse will, in the opinion of the Minister of the Crown or other the authority making the regulations or order, together suffice for securing adequate opportunity for enabling the vehicle to be claimed.
- (3) Different provision may be made under this section with respect to vehicles of different classes or with respect to vehicles of the same class in different circumstances.
- (4) In this section " competent authority ", in relation to a vehicle that has been removed, means the authority who, in relation to it, are (within the meaning of section 52 of this Act) the appropriate authority and, in relation to a vehicle that could at any time be removed, either of the two authorities who, if it were then removed, could in relation to it respectively be (within the meaning of that section) the appropriate authority.
- (5) The foregoing provisions of this section shall have effect subject to the provisions of any order for the time being in force under section 25 of the Civic Amenities Act 1967.

Traffic signs

54 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 class 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 fine 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 purpose 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 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 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) above, may provide that section 14 of the Road Traffic Act 1960 (drivers to comply with traffic directions) 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.

55 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.

- (3) The power to give general directions under subsection (1) above shall be exercisable by statutory instrument.

56 Powers and duties of Greater London Council in respect of traffic signs.

- (1) The Greater London Council (hereafter in this section referred to as " the Council ") may, to such extent as the Council may consider necessary, in connection with any order under section 6 or 9 of this Act made or proposed to be made by the Council, exercise, as respects any road in Greater London which is not a trunk road, any powers exercisable by the highway authority for that road in connection with the placing of traffic signs on or near that road in pursuance of section 55 of this Act, and affix any such sign to any lamppost or other structure in the highway, whether or not belonging to the Council.
- (2) The Council may give to the highway authority for any road in Greater London which is not a trunk road such directions with respect to the adjustment, modification or replacement of, or of any part of, the mechanism of traffic signs, being light signals controlled by that authority, as the Council may consider expedient in the interests of the movement of traffic.
- (3) As respects any traffic sign lawfully in place in Greater London which is required in connection with an order under section 6 or 9 of this Act, it shall be the duty of the Council—
- (a) to take such steps to maintain, and to make such alteration of, that sign as may be necessary or expedient in connection with any such order in connection with which it is required ;
 - (b) to remove that sign if it ceases to be required in connection with any such order.

56A Power of certain traffic authorities in respect of traffic signs.

- (1) This section applies to any authority having power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 12, 15, 26, 26A, 28, 31, 33, 35, 36, 37(2) and (3), 73(3) and 74, or an order as respects a road outside Greater London under section 9 of this Act.
- (2) Without prejudice to any powers conferred by or under any other provision of this Act, but subject to subsection (3) below, an authority to whom this section applies may place and maintain, or cause to be placed and maintained, such traffic signs of any type prescribed or character authorised under section 54 of this Act as the authority may consider necessary in connection with any such order as aforesaid made by the authority as respects any road; but if the order is made by an authority other than the highway authority for that road, the authority by whom the order was made—
- (a) shall consult with the highway authority as to the placing of the signs ; and
 - (b) unless the highway authority are unwilling so to do, shall enter into arrangements with the highway authority for the signs to be placed and maintained by the highway authority.
- (3) The powers conferred by subsection (2) above on an authority to whom this section applies shall be exercisable subject to and in conformity with any general directions given under section 55(1) of this Act whether or not that authority is a highway authority; and any other power conferred by the said section 55 to give directions to

a highway authority shall include power to give the like directions to any authority to whom this section applies.

- (4) In relation to an order under section 15 or 33 of this Act, the appropriate Minister for the purposes of any directions under the said section 55 by virtue of subsection (3) above shall, notwithstanding anything in section 104(1) or section 108 of this Act, in all cases be the Minister of Transport.

57 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 54 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 52 of the Metropolitan Police Act 1839, under section 22 of the local Act of the second and third year of the reign of Queen Victoria, chapter 94, under section 21 of the Town Police Clauses Act 1847, or under section 385 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 section 12(3) of the Road Traffic Act 1960.

58 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 54 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 14 of the Road Traffic Act 1960 (drivers to comply with traffic directions) shall apply to signs placed in the exercise of the powers conferred by this section.

59 Warning devices for indicating temporary obstructions.

Regulations under section 54 of this Act prescribing any type of object or device for warning traffic of a temporary obstruction may include provisions for authorising, subject to such conditions as may be specified in the regulations, persons not otherwise authorised to do so to place an object or device of that type on or near roads or on or near any description of road so specified, in such circumstances and for such periods as may be so specified.

60 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 11 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 54 of this Act.

61 Removal of traffic signs, etc.

- (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 subsection (1) above.
- (3) After the repeal by virtue of the Road Traffic Act 1960 of section 6 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.

62 Traffic signs: default powers.

- (1) If a highway authority, bridge authority or authority to whom section 56A of this Act applies fail to comply with any direction given under section 55(2) or 61 of this Act, 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 appropriate Minister by mandamus;
 - (b) if relating to a road or bridge in Scotland, shall be enforceable by order of the Court of Session on the application by the Lord Advocate under section 91 of the Court of Session Act 1868.
- (3) If a highway authority fail to comply with any direction under section 56(2) of this Act the Greater London Council may carry out the work required by the direction, and the expense incurred by that Council in so doing shall be recoverable summarily as a civil debt from the authority.

63 Power to enter on land.

A highway authority, bridge authority or authority to whom section 56A of this Act applies 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 61 of this Act.

64 Traffic signs: modifications as respects trunk roads.

In relation to a trunk road—

- (a) section 55(1) of this Act shall have effect with the omission of references to directions, and
- (b) the provisions 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 Minister or a Secretary of State.

65 Traffic signs: modifications as respects roads where parking permitted without lights.

- (1) In relation to a road with respect to which an exemption under section 10(1)(c) of the Road Transport Lighting Act 1957 has effect (whether absolutely or subject to conditions), the power conferred by section 55(1) 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 power conferred by section 55(2) of this Act and by section 61 thereof 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.
- (2) In this section " local authority " means, as respects England and Wales, the council of a county borough, county district or London borough or the Common Council of the City of London, and, as respects Scotland, a county council or town council.

66 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 55, 61, 62(1) and 63 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 (Provisions 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 the said sections 55, 61, 62(1) and 63 shall include the appropriate authority as defined by section 1(8) (b) of that Act.

67 Construction of references to highway authorities for purposes of ss. 55 to 56A and 61 to 63.

References to a highway authority in sections 55, 56, 56A, 61, 62 and 63 of this Act shall be construed as including references to any person who, not being a highway authority, is responsible for the maintenance of a road.

68 Ministers' powers to make advances for erection, etc., 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 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.
- (3) The power of the Minister under this section to make advances towards expenses incurred in relation to traffic signs shall be exercisable with respect to any expenses incurred by the Greater London Council in relation to the erection, maintenance, alteration or removal of such signs.
- (4) The power of the appropriate Minister under this section to make advances towards expenses incurred in relation to traffic signs shall be exercisable with respect to any expenses incurred under section 56A of this Act by an authority to whom that section applies or by a highway authority.

*Bollards and other obstructions***69 Bollards and other obstructions on roads outside Greater London.**

- (1) Where the passage, or the passage in any direction, of vehicles or of vehicles of any class is prohibited at any point of a road outside Greater London by an order under section 1 or 9 of this Act, the authority who made the order may, in accordance with the following provisions of this section, place or authorise or require the placing at or near that point of such bollards or other obstructions as they consider appropriate for preventing that passage.
- (1A) The bollards or other obstructions which may be placed under subsection (1) above—
 - (a) shall include obstructions of any description whatsoever ;
 - (b) may be either fixed or moveable ; and
 - (c) may be placed so as to prevent the passage of vehicles either at all times or at certain times only;

and where the powers conferred by that subsection have been exercised with respect to two or more points of a road so that the passage of vehicles along a stretch of that road is prevented, those powers shall extend to placing, or authorising the placing, of further obstructions on that stretch of road ; but any obstructions placed under those powers shall not be so placed as to prevent at any time the passage of foot passengers past the point or along the stretch of road in question and shall not be of such a nature that the reopening of the road in question to vehicles would be unreasonably difficult or as to alter the nature of the surface of the road.
- (2) Where the order has been made as respects a trunk road, the appropriate Minister may place the bollards or other obstructions on the trunk road or authorise or require the highway authority for any road leading into or crossing the trunk road at the said point to place them on that other road.
- (3) Where the order has been made as respects any other road the authority who made the order may place the bollards or other obstructions on that road, but, where that

authority is neither the appropriate Minister nor the highway authority for that road, only with the consent of that highway authority.

- (4) The appropriate Minister may authorise or require any authority who have placed bollards or other obstructions on a road in pursuance of this section to remove them.
- (5) If an authority fail to comply with any requirement imposed under this section, the appropriate Minister may himself carry out the work required by the requirement, 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) Any requirement imposed under this section—
 - (a) if relating to a road in England or Wales, shall be enforceable on the application of the appropriate Minister by mandamus;
 - (b) if relating to a road in Scotland, shall be enforceable by order of the Court of Session on an application by the Lord Advocate under section 91 of the Court of Session Act 1868.
- (7) Any power conferred by this section to place any obstruction or authorise or require any authority to place any obstruction includes power to maintain or light, or, as the case may be, authorise or require the authority to maintain or light, the obstruction.
- (8) Any enactment authorising the making of grants or loans in connection with traffic signs shall extend to any such obstructions as are mentioned in the foregoing provisions of this section.

70 Bollards and other obstructions on roads in Greater London.

- (1) The Minister or the Greater London Council (hereafter in this section referred to as "the Council") may, to such extent as the Minister or Council may consider necessary in connection with any order under section 6 or 9 of this Act made or proposed to be made by the Minister or, as the case may be, the Council—
 - (a) authorise or require the highway authority for any road in Greater London which is not a trunk road to place in the carriageway such bollards or other obstructions as the Minister or Council may consider appropriate for preventing the passage of vehicles, or vehicles of any class, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order as aforesaid and to maintain and light those obstructions ;
 - (b) authorise or require any highway authority to remove any obstruction placed by that authority in pursuance of an authorisation or requirement under paragraph (a) above.
- (1A) Subsection (1A) of section 69 of this Act shall apply in relation to the placing of bollards or other obstructions under subsection (1) above as if for any reference in the said subsection (1A) to subsection (1) of that section there were substituted a reference to subsection (1) above.
- (2) To such extent as the Minister or, as the case may be, the Council may consider necessary in connection with any order such as is mentioned in subsection (1) above, whether made or proposed to be made by the Minister or by the Council, the Minister may do with respect to any trunk road, or as the case may be the Council may do with respect to any metropolitan road, any thing which the authority making or proposing

to make the order might under subsection (1)(a) above require to be done with respect to any other road by the highway authority therefor.

- (3) If a highway authority fail to comply with any requirement under subsection (1) above, the Minister or, as the case may be, the Council may carry out the work required by the requirement, and the expense incurred by the Minister or Council in so doing shall be recoverable summarily as a civil debt from the authority.
- (4) References in this section to a highway authority include references to any person who, not being a highway authority, is responsible for the maintenance of a road.
- (5) Section 68 of this Act shall apply in relation to any such obstruction as is mentioned in subsection (1) above as it applies in relation to traffic signs ; and the power of the Minister under that section to make advances towards expenses incurred in relation to traffic signs shall be exercisable with respect to any expenses incurred by the Council by virtue of subsection (2) above.

Speed limits

71 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) 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) above, either as originally enacted or as varied under this subsection.

72 What roads restricted.

- (1) Subject to the provisions of this section, a road is a restricted road for the purpose of section 71 of this Act 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 said section 71 by reason only of the provision thereon of such a system of street lighting as aforesaid unless such a system was provided thereon before 1st July 1957.
- (3) A direction may be given that a specified road which is a restricted road for the purposes of the said section 71 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 said section 71—
 - (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 1st July 1957, and
 - (b) a certificate of an officer of the appropriate Minister or (in the case of a road in Wales or Monmouthshire) of the Secretary of State 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) above 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 said section 71 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 section 1(7) of this Act, to be the date on which it is open for use as a special road.

(6) In this section "classified road"—

- (a) in relation to England and Wales, means a highway which for the time being is classified by the Minister under section 27(2) of the Local Government Act 1966 as a principal road for the purposes of advances under section 235 of the Highways Act 1959 or as a classified road for the purposes of, or for purposes which include the purposes of, this section;
- (b) in relation to Scotland, means a road which for the time being is classified by the Secretary of State under section 28(2) of the Local Government (Scotland) Act 1966 as a principal road for the purposes of advances under section 8 of the Development and Road Improvement Funds Act 1909 or as a classified road for the purposes of, or for purposes which include the purposes of, this section;

and in this subsection "the Minister" means, in relation to England exclusive of Monmouthshire, the Minister and, in relation to Wales and Monmouthshire, the Secretary of State.

73 Provisions as to directions under s. 72.

- (1) Subject to the provisions of this section and of section 82 of this Act, the authority having power to give a direction under section 72(3) of this Act—
 - (a) as respects a trunk road, shall be the appropriate Minister;
 - (b) as respects a road, not being a trunk road, shall be the local authority.
- (2) A direction given in a case falling within subsection (1)(a) above shall be given by means of an order made by the appropriate Minister after giving public notice of his intention to make an order.
- (3) Subject to sections 84A, 84B and 84C of this Act, a direction given in a case falling within subsection (1)(b) above shall be given by means of an order made by the local authority.

74 Speed limits on roads other than restricted roads.

- (1) Subject to sections 84A, 84B and 84C of this Act, the authority specified in subsection (2) below may, after giving public notice of their intention to make an order under this subsection as respects any road specified in the notice, make an order prohibiting, either generally or during periods specified in the order, the driving of motor vehicles on that road at a speed exceeding that specified in the order; and while such an order is in force as respects any road, that road shall not be a restricted road for the purposes of section 71 of this Act.
- (2) Subject to section 82 of this Act, the authority having power to make an order under subsection (1) above—
 - (a) as respects a trunk road, shall be the appropriate Minister; and
 - (b) as respects a road, not being a trunk road, shall be the local authority.

- (7) This section does not apply to any part of a special road which is open for use as a special road.

75 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 any, and if so what, limit of speed is to be observed on any road ; 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, subsection (1) above 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 a limit of speed is to be observed on the road, a person shall not be convicted of driving a motor vehicle on the road at a speed exceeding the limit unless the limit is indicated by means of such traffic signs as are mentioned in subsection (1) above.
- (4) In any proceedings for a contravention of section 71 of this Act, being proceedings relating to driving on a road provided with such a system of street lighting as is specified in subsection (3) above, 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 the said section 71 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 trunk road, the appropriate Minister;
 - (b) as respects a road, not being a trunk road, the local authority.
- (6) The power to give general directions under subsection (1) above shall be exercisable by statutory instrument.

76 Provisions supplementary to ss. 71 to 75.

- (1) In sections 71 to 75 of this Act " road " means any length of road.
- (2) In sections 73 to 75 of this Act " local authority "—
- (a) in relation to a road in England or Wales means—
 - (i) in the case of a road in Greater London, the Greater London Council;

- (ii) 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 20,000, the council of the borough ;
 - (iii) in the case of a road in an urban district having such a population as aforesaid, the council of the district;
 - (iv) 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.
- (3) A county council in Scotland shall, before arriving at a decision as to the exercise of any power conferred on them by sections 72, 73, 74 and 75 of this Act with regard to a classified road in a burgh, consult with the town council of the burgh.

In this subsection " classified road " has the meaning assigned to it by section 72(6)(b) of this Act except that for the reference therein to that section there shall be substituted a reference to this section.

77 Temporary speed limits and continuation thereof.

- (1) Where it appears to the appropriate Minister desirable to do so in the interests of safety or for the purpose of facilitating the movement of traffic, he may, after giving public notice of his intention to do so, by order prohibit, for a period not exceeding eighteen months, the driving of motor vehicles—
- (a) on all roads, or on all roads in any area specified in the order, or on all roads of any class so specified, or on all roads other than roads of any class so specified, or on any road so specified, at a speed greater than that so specified,
 - (b) on any road specified in the order, at a speed less than that so specified, subject to such exceptions as may be so specified,
- either generally, or at times, on days or during periods specified in the order; but the provisions of any such order shall not, except in so far as may be provided by the order, affect the provisions of sections 71 to 74 of this Act.
- (2) For the purposes of an order under subsection (1)(a) above roads may be classified by reference to any circumstances appearing to the appropriate Minister to be suitable for the purpose, including their character, the nature of the traffic to which they are suited or the traffic signs provided thereon.
- (3) The provisions of any order under subsection (1) above may be continued, either indefinitely or for a specified period, by an order of the appropriate Minister made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Where by virtue of an order under this section a limit of speed is to be observed, then,
- (a) if it is to be observed on all roads, on all roads of any class specified in the order or on all roads other than roads of any class so specified, section 75 of this Act shall not apply in relation to that limit;
 - (b) if it is to be observed on all roads in any area and is indicated as respects the area as a whole by means of such traffic signs as are mentioned in the said section 75(1) at all points where roads lead into the area, the limit shall be

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

taken for the purposes of subsection (3) of that section as so indicated with respect to all roads in the area.

- (6) The first order to be made under subsection (1)(b) above shall not be made until a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.
- (7) If a person drives a motor vehicle on a road in contravention of an order under subsection (1)(b) above he shall be liable on summary conviction to a fine not exceeding £50; but a person shall not be liable to be convicted of driving as aforesaid solely on the evidence of one witness to the effect that in the opinion of the witness he was driving the vehicle at a speed less than that specified in the order.
- (8) Any power conferred by this section to make an order includes power to vary or revoke such an order by a subsequent order.
- (9) This section does not apply to any part of a special road which is open for use as a special road.
- (10) In this section " road " means any length of road.

Speed limits for certain classes of vehicles

78 Speed limits for vehicles of different classes.

- (1) It shall not be lawful for a person to drive a motor vehicle of any class on a road at a speed greater than the speed specified in Schedule 5 to this Act as the maximum speed in relation to a vehicle of that class.
- (2) The Minister may by regulations vary, subject to such conditions as may be specified in the regulations, the provisions of the said Schedule 5.
- (3) Regulations under this section may make different provision as respects the same class of vehicles in different circumstances.
- (4) Without prejudice to subsection (3) above, 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 section 1(7) 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 71 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 the said section 71, 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

79 Exemption of fire engines, etc. 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.

Enforcement and administration of traffic laws

80 Punishment without prosecution of offences in connection with lights, reflectors, obstruction, etc.

(1) This section shall apply to any offence created by or under an enactment and punishable on summary conviction, being an offence committed in respect of a vehicle—

- (a) by its being on a road during the hours of darkness (as defined by the Road Transport Lighting Act 1957) without the lights or reflectors required by law or
- (b) by its obstructing a road, or waiting, or being left or parked, or being loaded or unloaded, in a road; or
- (c) by the non-payment of the charge made at a street parking place; or
- (d) by its being used in contravention of any provision of an order made or having effect as if made under section 1, 6 or 9, or of regulations made or having effect as if made under section 11, of this Act, being a provision—
 - (i) as to the route to be followed by vehicles of the class to which that vehicle belongs ; or
 - (ii) as to roads which are not to be used for traffic by such vehicles ; or
 - (iii) as to the places where such vehicles may not turn so as to face in the opposite direction to that in which they were proceeding or as to the conditions under which such vehicles may so turn ; or
- (e) by any such use of the vehicle in contravention of section 64(2) of the Road Traffic Act 1960 (which relates to the contravention of construction and use regulations) as the Secretary of State may by order specify, not being a use which constitutes an offence specified in Part II of Schedule 1 to the Road Traffic Act 1962 (which relates to offences involving disqualification); or
- (f) by its being used or kept on a public road within the meaning of the Vehicles (Excise) Act 1962 without a licence under that Act being exhibited on the vehicle in the manner prescribed under that Act:

Provided that this section shall extend only to such areas as the Secretary of State may by order specify, and he may by order exclude the application of this section to any offence.

(2) Where a constable finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed an offence to which this section applies, he may give him the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under this section; and no person shall then be liable to be convicted of that offence if the fixed penalty is paid in accordance with this section before the expiration of the twenty-

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

one days following the date of the notice or such longer period (if any) as may be specified therein or before the date on which proceedings are begun, whichever event last occurs.

- (3) Where a person is given a notice under this section in respect of an offence, proceedings shall not be taken against any person for that offence by any constable or local authority until the end of the twenty-one days following the date of the notice or such longer period (if any) as may have been specified therein.
- (4) In the foregoing subsections " proceedings " means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (2), and " convicted " shall be construed in like manner.
- (5) Payment of a fixed penalty under this section shall be made to such justices' clerk (within the meaning of section 27 of the Justices of the Peace Act 1949) as may be prescribed, and sums paid by way of fixed penalty for any offence shall be treated for the purposes of that section as if they were fines imposed on summary conviction for that offence; and in any proceedings a certificate that payment of a fixed penalty was or was not made to the prescribed justices' clerk by a date specified in the certificate shall, if the certificate purports to be signed by the justices' clerk, be sufficient evidence of the facts stated, unless the contrary is proved; and where, in England or Wales, by virtue of regulations made for the purposes of this subsection, a justices' clerk for a petty sessions area comprised in the area of one responsible authority within the meaning of the said section 27 discharges functions in connection with a fixed penalty for an offence alleged to have been committed in a petty sessions area comprised in the area of another such authority—
 - (a) that other authority shall make to the first-mentioned authority such payment in connection with the discharge of those functions as may be agreed between them or, in default of such agreement, as may be determined by the Secretary of State ; and
 - (b) any such payment between responsible authorities shall be taken into account in determining for the purposes of subsection (2) of the said section 27 the net cost to those authorities respectively of the functions referred to in that subsection.
- (6) A notice under subsection (2) above shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information thereof, and shall state also the period during which, by virtue of subsection (3) above, proceedings will not be taken for the offence, the amount of the fixed penalty, and the justices' clerk to whom and the address at which the fixed penalty may be paid.
- (7) Where a constable finds a vehicle on an occasion and has reason to believe that on that occasion there is being or has been committed in respect of it an offence to which this section applies, he may proceed under this section as if he had found a person reasonably believed by him to be committing the offence, and for that purpose a notice affixed to the Vehicle shall be deemed to be given to the person liable for that offence.
- (8) A notice affixed to a vehicle under subsection (7) above shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question; and any person contravening this subsection shall be liable on summary conviction to a fine not exceeding £5.
- (9) The fixed penalty for an offence shall be £2 or one-half the maximum amount of the fine to which a person not previously convicted is liable on summary conviction of the offence, whichever is the less:

Provided that the Secretary of State may by order provide for the fixed penalty to be in any case more or less than £2 (but not more than one-half the maximum amount of the fine to which a person not previously convicted is liable on summary conviction).

- (10) In any proceedings for an offence to which subsection (1) above applies no reference shall be made after the conviction of the accused to the giving or affixing of any notice under this section or to the payment or non-payment of a fixed penalty thereunder unless in the course of the proceedings or in some document which is before the court in connection with the proceedings reference has been made by or on behalf of the accused to the giving or affixing of such a notice or, as the case may be, to such a payment or non-payment.
- (11) The Secretary of State may by regulations make provision as to any matter incidental to the operation of this section, and in particular—
 - (a) for prescribing the form of notice under subsection (2), and the justices' clerk to whom a fixed penalty is payable; and
 - (b) for prescribing the duties of justices' clerks and the information to be supplied to them.
- (12) The power of the Secretary of State to make orders under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) An order of the Secretary of State under this section may be varied or revoked by a subsequent order of the Secretary of State.
- (14) In the application of this section to Scotland—
 - (a) any reference to a justices' clerk (within the meaning of section 27 of the Justices of the Peace Act 1949) shall be construed as a reference to a clerk of court (within the meaning of the Summary Jurisdiction (Scotland) Act 1954);
 - (b) in subsection (2) the words " before the expiration of the twenty-one days following the date of the notice or such longer period (if any) as may be specified therein or " and the words " whichever event last occurs " shall be omitted;
 - (c) in subsection (3) the words " by any constable or local authority " shall be omitted, and for the words " have been " there shall be substituted the word " be ";
 - (d) in subsection (5), for the words " that section " there shall be substituted the words " determining their destination "; and
 - (e) paragraph (b) of subsection (11) shall not apply.

81 Traffic wardens.

- (1) Subject to subsection (3) below, a police authority in England or Wales may appoint persons to discharge, in aid of the police, functions normally undertaken by the police in connection with the control and regulation of, or the enforcement of the law relating to, traffic (including foot passengers) or vehicles ; and persons so appointed shall act under the direction of the chief officer of police, but shall be deemed to be employed by the police authority.
- (2) Persons employed under subsection (1) above shall be known as " traffic wardens ", and a police authority employing traffic wardens for the purposes of that subsection may also (subject to subsection (3) below) employ them to act, under the direction of

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

the chief officer of police, for other purposes connected with the control and regulation of traffic (including foot passengers) or vehicles ; and in particular—

- (a) where the police authority provides school crossing patrols under section 24 of this Act, whether as the appropriate authority or by agreement with the appropriate authority, the traffic wardens may be employed to act as school crossing patrols ; and
 - (b) the police authority may, under arrangements made with the Minister or a local authority, employ the traffic wardens to act as parking attendants at street parking places provided or controlled by the Minister or local authority.
- (3) Traffic wardens shall not be employed to discharge functions other than those prescribed as appropriate for the purpose by order of the Secretary of State, and an order under this subsection may be varied or revoked by a subsequent order of the Secretary of State.

An order under this subsection shall be made by statutory instrument and shall not be made unless a draft thereof has been laid before, and approved by resolution of, each House of Parliament.

- (4) In so far as an order under subsection (3) above authorises the employment of traffic wardens for the purposes of section 80 of this Act references in that section to a constable shall include a traffic warden.
- (4A) An order under subsection (3) above may provide that, for the purposes of any functions which traffic wardens are authorised to discharge by the order and subject to the provisions of subsection (4B) below, references to a constable or police constable in all or any of the following enactments shall include references to a traffic warden, that is to say—
- (a) section 52 of the Metropolitan Police Act 1839, so far as it relates to the giving by the commissioner of directions to constables for preventing obstruction ;
 - (b) section 22 of the local Act of the second and third year of the reign of Queen Victoria, chapter 94, so far as it makes similar provision with respect to the City of London ;
 - (c) in the Road Traffic Act 1960—
 - (i) sections 14 and 15 (which relate to compliance with traffic directions given by police constables);
 - (ii) section 223 (which relates to the power of a constable to stop vehicles);
 - (iii) section 225(1) and (4) (which relate to the power of a constable to require the production of a driving licence in certain circumstances);
 - (iv) sections 226 and 229 (which relate to the powers of constables to obtain names and addresses of drivers and others and to require production of evidence of insurance or security and test certificates) ;
 - (v) section 242 (which relates to the giving of certain evidence by certificate);
 - (d) section 89 of this Act.
- (4B) Any power of a constable for the purposes of the following provisions of the Road Traffic Act 1960, namely, sections 223, 225(1) and (4) and 226, shall be exercisable by a traffic warden under an order made by virtue of subsection (4A) above only where—
- (a) the traffic warden is assisting a constable ; or

- (b) the traffic warden has reasonable cause to believe that an offence has been committed of a description specified in relation to the section in question for the purposes of this paragraph by the order and, in the case of a power for the purposes of the said section 226, the order authorises the use of that power in relation to that offence ; or
 - (c) in the case of a power for the purposes of the said section 223, the traffic warden is exercising functions in connection with the control and regulation of traffic (including foot passengers) or vehicles.
- (5) A police authority shall not employ as a traffic warden any person who is a constable, but shall take steps to ensure that only persons adequately qualified are appointed traffic wardens, and that traffic wardens are suitably trained before undertaking their duties.
- (6) Traffic wardens shall wear such uniform as the Secretary of State may determine, and shall not act as traffic wardens when not in uniform.
- (7) Any power to acquire, or authorise the acquisition of, land for the purposes of a police force shall include power to acquire, or authorise the acquisition of, land for the purposes of the functions under this section of the police authority; and any land occupied for the purposes of those functions shall be deemed to be occupied for the purposes of the police force.
- (8) Where traffic wardens are employed by a police authority which is a committee of the council of a county or borough, they shall be treated as employed by the committee as constituted from time to time; but the committee's employment of traffic wardens shall not subject members of the committee to any personal liability under contract or otherwise.
- (9) Neither the Local Government Superannuation Acts 1937 to 1953 nor any local Act scheme within the meaning of those Acts shall apply to traffic wardens by virtue of the foregoing provisions of this section ; but in relation to such traffic wardens employed outside the metropolitan police district as the police authority may determine those Acts (or, if the expenses of the police authority are paid by a local Act authority, the local Act scheme) and any regulations under the Local Government Superannuation Act 1953 shall apply, subject to such adaptations, modifications and exceptions as the Minister of Housing and Local Government may by regulations prescribe.
- (10) The expenses incurred for the purpose of or in connection with the functions under this section of a police authority shall be defrayed as if those expenses were expenses incurred for the purposes of the police force maintained by the authority.
- (11) In respect of the employment of traffic wardens in the metropolitan police district—
 - (a) the functions under this section of the police authority shall be discharged by the commissioner of police of the metropolis; and
 - (b) there shall be paid out of the metropolitan police fund such expenditure incurred for the purposes of this section as the Secretary of State may direct to be so paid; and
 - (c) the receiver for the metropolitan police district shall be treated as the employer for the purpose of any proceedings in respect of matters arising out of the employment.
- (12) As respects Scotland—

- (a) where under section 9 of the Police (Scotland) Act 1967 a police authority employs persons to discharge any such functions as are described in subsection (1) above, those persons shall act under the directions of the chief officer of police and subsections (2) to (6) above shall apply as they apply in relation to traffic wardens employed under subsection (1) (but with the omission of any reference to the Minister); and
- (b) notwithstanding anything contained in the Local Government Superannuation (Scotland) Acts 1937 to 1953, traffic wardens shall for the purposes of those Acts be deemed not to be officers.

Exercise of certain powers as respects boundary roads and parts of roads

82 Powers exercisable with respect to boundary roads.

- (1) For the purposes of sections 6(1) and (2), 9, 56, 72(3) and 74(1) of this Act, where any part of the width of a road is in Greater London, the whole width thereof shall be deemed to be in Greater London.
- (2) Subject to subsection (1) above, any powers which under the provisions specified in subsection (3) below are exercisable by a local authority as respects a road (including powers exercisable by such an authority as highway authority) shall, in the case of a road part of the width of which is in the area of one local authority and part in the area of another, be exercisable by either authority with the consent of the other.
- (3) The said provisions are sections 1(1), 9, 12, 15(1), 21(1), 26(1), 26A(1), 28(1), 46(1), 56A, 72(3) and 74 of this Act.
- (4) In this section " local authority " means the council of any county or county borough, county district, London borough, borough included in a rural district, or parish or the Common Council of the City of London.
- (5) This section does not extend to Scotland.

83 Exercise of certain powers as respects part of road.

- (1) Any power which is exercisable in relation to any road under the provisions specified in subsection (2) below, otherwise than by virtue of section 82 of this Act, shall be exercisable with respect to the whole or any part of the width of the road.
- (2) The said provisions are sections 9, 59, 69, 72, 73, 74 and 77 of this Act.

*Special provisions with respect to functions of the
Greater London Council and other local authorities*

84 General duty of Greater London Council and other local authorities with respect to road traffic.

- (1) It shall be the duty of the Greater London Council and every other local authority upon whom functions are conferred by or under this Act so to exercise the functions conferred on them by this Act as, so far as practicable having due regard to—
 - (a) the desirability of securing and maintaining reasonable access to premises,
 - (b) the effect on the amenities of any locality affected,

- (bb) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles, and
 - (c) any other matters appearing to the Council or, as the case may be, the authority to be relevant,
- to secure the expeditious, convenient and safe movement of vehicular and other traffic (including foot passengers) and the provision of suitable and adequate parking facilities on and off the highway.
- (3) Where the Greater London Council or any other local authority are authorised or required by or under any provision of this Act to hold an inquiry for the purpose of any of their functions, any person appointed by that council or authority to hold the inquiry shall have the like powers as a person appointed to hold an inquiry to which section 290 of the Local Government Act 1933 applies.
 - (4) Without prejudice to any power of delegation conferred by or by virtue of the provisions of sections 14 to 20 of the London Government Act 1963, section 5(1) of that Act shall not apply to any function conferred on the Greater London Council by or by virtue of this Act.

Special provisions with respect to certain orders

84A Reserve powers of appropriate Minister as to certain orders.

- (1) Subject to subsection (5) below and to section 84C(7) of this Act—
 - (a) the Minister may, after consultation with the Greater London Council, give to that Council with respect to any of the following provisions of this Act, namely, sections 6, 9, 31, 33, 35, 36, 37(2) and (3), 73(3) and 74, and
 - (b) in the case of any other local authority, being an authority who have power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 9, 15, 28, 31, 33, 35, 36, 37(2) and (3), 39, 73(3) and 74 (hereafter in this section referred to as an " authorised authority "), the appropriate Minister may, after consultation with the authorised authority, give to that authority with respect to any of those provisions,a direction—
 - (i) requiring the Council or authority to make an order under or by virtue of the provision or provisions in question for a specified purpose and coming into operation before the expiration of a specified period; or
 - (ii) prohibiting the Council or authority (either generally or without that Minister's consent or for a specified period) from making or bringing into operation an order under or by virtue of the provision or provisions in question with respect to specified matters or a specified area.
- (2) Any power to make an order conferred on the Greater London Council by any of the provisions referred to in paragraph (a) or conferred on an authorised authority by any of the provisions referred to in paragraph (b) of subsection (1) above shall be exercisable by the appropriate Minister as well as by the Council or authority, and where that Minister has made an order by virtue of this subsection—
 - (a) then, so far as appears to him necessary in order to make the order effective, he, or (except where the power is a power of the Greater London Council) any other local authority with whom he may make arrangements for the purpose,

shall have power to do anything which the Council or, as the case may be, the authorised authority would have had power to do if the order had been made by them ; and

- (b) he may recover from the Council or, as the case may be, from the authorised authority summarily as a civil debt any expenses incurred by him by virtue of paragraph (a) above;

but no Minister shall make any order by virtue of this subsection except for the purpose of securing the object of a direction given to the Greater London Council or an authorised authority under subsection (1) above with which that Council or authority have failed to comply.

- (3) Where by virtue of subsection (2) above a parking place has been designated under section 35(1) or (5) of this Act by an order of the appropriate Minister, then—

- (a) if that Minister, with the consent of the Treasury, enters into an agreement with the local authority within the meaning of that section or, in the case of an order under the said section 35(5), with the local authority or the Greater London Council for the transfer to that authority or Council of the operation of that parking place, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, that 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 that Minister) as may be so specified;

- (b) from the taking effect of any such transfer of the operation of the parking place the order designating the parking place shall have effect subject to such modifications (if any) as that Minister may direct, being modifications appearing to him requisite in consequence of the transfer, and the provisions of the said section 35 and sections 36, 37, 42 and 44 of this Act shall thereafter apply as if the parking place had been designated under the said section 35(1) by an order made by, or on the application of, the local authority or, where the transfer is to the Greater London Council, under the said section 35(5) by an order made by that Council.

- (4) Without prejudice to any power to make an order for the like purpose by virtue of subsection (2) above and section 84D of this Act, but subject to subsection (5) below, the appropriate Minister may, after giving notice to the Greater London Council or, as the case may be, the authorised authority concerned and holding, if he thinks fit, a public inquiry, by order vary or revoke any order made or having effect as if made under or by virtue of any of the provisions referred to in subsection (1)(a) or (b) above.

- (5) No Minister shall give any direction under subsection (1) above or, subject to subsection (6) below, make any order under subsection (4) above unless he is satisfied, having regard to any matters appearing to him to be relevant, that the duty under section 84(1) of this Act of the Greater London Council or, as the case may be, of the authorised authority concerned is not being satisfactorily discharged by that Council or authority and that the giving of the direction or, as the case may be, the making of the order is necessary in order to secure compliance with that duty.

- (6) The appropriate Minister may make an order under subsection (4) above notwithstanding that he is not satisfied as mentioned in subsection (5) above if he is satisfied, having regard to any matters appearing to him to be relevant, that there are special circumstances which make it expedient that the order should be made.

- (7) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.
- (8) In its application to Scotland, subsection (2)(b) above shall have effect as if the words " summarily as a civil debt " were omitted.

84B Consents of appropriate Minister to certain orders.

- (1) Where in the case of any order proposed to be made by a local authority other than the Greater London Council under or by virtue of any of the following provisions of this Act, namely, sections 1, 5, 9, 15, 26, 28, 31, 33, 35, 36, 37, 73(3) and 74, it is proposed to include in the order any provision—
- (a) so prohibiting or restricting the use of a road as to prevent for more than eight hours in any period of twenty-four hours access for vehicles of any class to any premises situated on or adjacent to that road or any other premises accessible for vehicles of that class from, and only from, that road ; or
 - (b) applying to a trunk road ; or
 - (c) directing that a principal road shall be, or cease to be, a restricted road for the purposes of section 71 of this Act; or
 - (d) in the case of an order for the purposes of section 74(1) of this Act—
 - (i) applying to a principal road ; or
 - (ii) applying to any road a speed limit of less than 30 miles an hour ; or
 - (e) varying or revoking within twelve months of its making any order made by, or made in pursuance of a direction given by, the appropriate Minister; or
 - (f) making provision as respects any length of road for any purpose within twelve months after the date when a previous order made as respects that length of road for a similar purpose was varied or revoked by an order made by, or made in pursuance of a direction given by, the appropriate Minister; or
 - (g) varying or revoking an order under section 1 of this Act as respects a road which is not a trunk road made by the appropriate Minister on the application of the governing body of a university,
- then, except where the provision is to be included in pursuance of a direction under section 84A(1) of this Act, the order shall not be made except with the consent of the appropriate Minister.
- (2) Where in the case of any order proposed to be made by the Greater London Council under or by virtue of any of the following provisions of this Act, namely, sections 6, 9, 31, 33, 35, 36, 37, 73(3) and 74, it is proposed to include in the order any provision such as is mentioned in paragraphs (b) to (f) of subsection (1) above, then, except where the provision is to be included in pursuance of a direction under section 84A(1) of this Act, the order shall not be made except with the consent of the Minister.
- (3) The appropriate Minister may by order add to or remove from the orders for which his consent is required by the foregoing provisions of this section such orders made by such local authorities for such purposes or in such circumstances as he may see fit to specify in his order; but—
- (a) no order under this subsection removing any order from the orders for which the Minister's consent is for the time being required under this section shall be made unless a draft of the order has been approved by resolution of each House of Parliament; and

- (b) any other order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The appropriate Minister may, in consenting to any order submitted to him for his consent under this section, consent to that order either in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions, exceptions or other modifications of any description; but where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the local authority in question and other persons likely to be concerned.
- (5) The appropriate Minister may by order grant a general consent to the making of orders requiring his consent under this section—
- (a) of such descriptions, or
 - (b) with respect to such matters only, or
 - (c) made by such local authorities or by authorities of such classes or descriptions, or
 - (d) made in such circumstances, or
 - (e) complying with such requirements,
- as may be specified in the order; but any order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The power to make an order conferred by subsection (3) or (5) above shall be exercisable by statutory instrument and shall include power to make an order under that subsection varying or revoking any previous order made thereunder.
- (7) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.
- (8) In subsection (1)(c) and (d) above, the expression " principal road " means a road for the time being classified as a principal road—
- (a) by the Minister under section 27(2) of the Local Government Act 1966 for the purposes of advances under section 235 of the Highways Act 1959; or
 - (b) by the Secretary of State under section 28(2) of the Local Government (Scotland) Act 1966 for the purposes of advances under section 8 of the Development and Road Improvement Funds Act 1909.

84C Procedure as respects certain orders and consents.

- (1) Without prejudice to any further requirements contained in any regulations made under the subsequent provisions of this section, and except where the order is made in pursuance of a direction given by the appropriate Minister under section 84A(1) of this Act, before the Greater London Council or any other local authority make an order under or by virtue of any of the following provisions of this Act, namely, sections 1, 5, 6, 9, 15, 26, 26A, 28, 31, 33, 35, 36, 37, 73(3) and 74, they shall consult with the chief officer of police of any police area in which any road or other place to which the order is to relate is situated; and if the order in question falls to be submitted to the appropriate Minister for his consent under section 84B of this Act, the authority shall so consult before so submitting the order.

- (2) The appropriate Minister may make regulations as respects orders of a local authority other than the Greater London Council under any of the provisions referred to in subsection (1) above other than section 26A for providing the procedure to be followed in connection with the making of such orders, the submission of such orders for the consent of the appropriate Minister, where such submission is required, and the consideration by that Minister of any such order submitted to him; and the appropriate Minister shall by regulations under this subsection make such, if any, provision as he considers appropriate with respect to—
 - (a) the publication of any proposal for the making of such an order;
 - (b) the making and consideration of objections to any such proposal; and
 - (c) the publication of notice of the making of the order and of its effect.
- (3) Without prejudice to the generality of subsection (2) above, regulations under that subsection may include provision—
 - (a) as to the form of any such order as is mentioned in that subsection;
 - (b) for the holding of inquiries for the purposes of any such order, and as to the appointment of the person by whom any such inquiry is to be held ;
 - (c) for the making of modifications in any such order, whether in consequence of any objections or otherwise, before the order is made ;
 - (d) requiring any such order to include such exemptions for such purposes and subject to such exceptions as may be provided for by the regulations;
 - (e) requiring the authority by whom any such order is made to place and maintain, or cause to be placed and maintained, such traffic signs in connection with that order as may be so provided for.
- (4) The Minister, after consultation with the Greater London Council, may make regulations—
 - (a) as respects orders made by that Council under any of the provisions referred to in subsection (1) above other than section 26A, for any of the like purposes as those for which regulations are required or authorised to be made under subsection (2) above;
 - (b) with respect to any other order the making of which by that Council requires the consent of the Minister, for providing the procedure to be followed in connection with the obtaining of that consent.
- (5) The appropriate Minister may make regulations with respect to the procedure in connection with the making by him—
 - (a) of any order made by virtue of subsection (2) or made under subsection (4) of section 84A of this Act;
 - (b) of any order which he is authorised to make with respect to trunk roads under any of the provisions referred to in subsection (1) above.
- (6) Any regulations under this section may make different provision for different orders or for different circumstances; and where any such regulations require an authority to post any notice in a highway the authority may, whether or not they are the highway authority, take such steps for that purpose as they think fit, including the use for that purpose of any lamppost, traffic sign or other structure whatsoever in the highway, whether or not belonging to that authority.
- (7) Before giving any authority a direction under section 84A(1) of this Act to make with or without modifications an order under any of the provisions referred to in

subsection (1) above in connection with which steps have already been taken in pursuance of regulations under this section, the appropriate Minister—

- (a) shall consider any objections made to that order; and,
 - (b) if the order is directed to be made with modifications which appear to him to affect substantially the character of the order, shall take such steps as appear to him to be sufficient and reasonably practicable for informing any local authority concerned and any other person likely to be concerned.
- (8) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.

84D Provisions as to Variation or revocation, and as to making by Ministers, of certain orders.

- (1) Subject to subsection (3) below, and without prejudice to section 35(6) of this Act, any power to make an order as respects any road or parking place conferred by or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 6, 9, 15, 26, 26A, 28, 31, 33, 35, 36, 37(2) and (3), 39, 73, 74 and 84A(4), shall include power for the authority for the time being having power to make such an order as respects that road or parking place to make such an order varying or revoking any previous order as respects that road or parking place made, or having effect as if made, under or by virtue of the provision in question, whether that previous order was made by that or some other authority and notwithstanding that the previous order was, and the order varying or revoking it is not, made in pursuance of a power exercisable by statutory instrument.
- (2) For the avoidance of doubt it is hereby declared that, subject to section 84B of this Act, the power to vary or revoke an order made under or by virtue of any of the provisions referred to in subsection (1) above extends to the variation or revocation of any such order in connection with the provision in question as is hereinafter mentioned, notwithstanding that it was made by, or by direction of, a Minister, namely—
 - (a) an order under or by virtue of the provision in question made in pursuance of a direction under section 84A(1) of this Act;
 - (b) an order under or by virtue of the provision in question (not being section 35, 36, 37 or 39 of this Act) made by virtue of section 84A(2) of this Act;
 - (c) an order under or by virtue of the provision in question (being the said section 35, 36, 37 or 39) made by virtue of the said section 84A(2) if that order relates to a parking place for the time being controlled by the local authority within the meaning of the said section 35 or by the Greater London Council;
 - (d) an order under section 26(5) or 84A(4) of this Act.
- (3) Where a Minister proposes to make an order varying or revoking an order made by him by virtue of section 1(2) of this Act upon the application of the governing body of a university, he shall before making the order give notice to that body and, if he thinks fit, hold a public inquiry.
- (4) Nothing in subsection (5) of section 84A of this Act shall prevent the exercise by a Minister of the power to revoke any order made by that Minister under subsection (4) of that section.
- (5) Any power of a Minister to make an order under or by virtue of any of the provisions referred to in subsection (1) above shall be exercisable by statutory instrument.

84E Limitation of right to challenge certain orders in legal proceedings.

- (1) If in the case of an order made under or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 6, 9, 15, 28 and 33, any person desires to question the validity of, or of any provision contained in, the order on the ground that it is not within the powers with respect to such an order conferred by this Act, or on the ground that any requirement with respect to such an order of, or of any instrument made under, any provision of this Act has not been complied with in relation to the order, he may, within six weeks from the date on which the order is made, make an application for the purpose to the High Court or, in Scotland, to the Court of Session.
- (2) Subsections (2) and (3) of section 41 of this Act shall apply in relation to an application under subsection (1) above and to such an order as is mentioned in the said subsection (1) as they apply in relation to an application under subsection (1) of the said section 41 and to a designation order.

Furnishing of information

85 Duty to give information as to identity of driver, etc. in certain cases.

- (1) This section applies to any offence under any of the foregoing provisions of this Act except an offence against any of the following provisions, that is to say, sections 9(9), 17(5), 31(5) (in its application to England and Wales), 77(7) and 80(8).
- (2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies—
 - (a) the owner of the vehicle shall give such information as to the identity of the driver as he may be required to give—
 - (i) by or on behalf of a chief officer of police, or
 - (ii) in the case of an offence under section 31(3) or against section 42 of this Act, by or on behalf of a chief officer of police or, in writing, by or on behalf of the local authority for the parking place in question; and
 - (b) any other person shall if required as aforesaid give any information which it is in his power to give and may lead to the identification of the driver.

In this subsection references to the driver of a vehicle include references to the person riding a bicycle or tricycle (not being a motor vehicle), and in relation to parking places designated by virtue of section 35(5) of this Act by an order of the Greater London Council, the reference to the local authority shall be construed as a reference to that Council.

- (3) A person who fails to comply with the requirement of subsection (2)(a) above shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle, or, as the case may be, the rider of the bicycle or tricycle, was, and a person who fails to comply with the requirement of subsection (2)(b) above shall be guilty of an offence; and a person guilty of an offence under this subsection shall be liable on summary conviction to a fine not exceeding £50.

*Forgery of parking meter ticket, etc.***86 Forgery of parking meter ticket, etc.**

- (1) A person shall be guilty of an offence, who with intent to deceive—
- (a) forges or alters, or uses or lends to, or allows to be used by, any other person any ticket issued by a parking meter, or any authorisation by way of such a certificate, other means of identification or device as is referred to in section 1(3C) or (3D) or section 6(5) or (6) or such a permit or token as is referred to in section 36(2)(i) of this Act, or
 - (b) makes or has in his possession any document so closely resembling any such ticket or authorisation as to be calculated to deceive.

In the application of this subsection to England and Wales, " forges " means forges within the meaning of the Forgery Act 1913.

- (2) A person guilty of an offence under subsection (1) above shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years ;
 - (b) on summary conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment.
- (3) A person who knowingly makes a false statement for the purpose of procuring the grant or issue to himself or any other person of any such authorisation as aforesaid shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment.
- (4) If any person authorised in that behalf by or under a designation order has reasonable cause to believe that a document or article carried on a vehicle or by the driver or person in charge thereof is a document or article in relation to which an offence has been committed under subsection (1) above (so far as that subsection relates to such authorisations as are referred to in that subsection) or under subsection (3) above, he may detain that document or article and may for that purpose require the driver or person in charge of the vehicle to deliver up the document or article ; and if the driver or person in charge of the vehicle fails to comply with that requirement he shall be liable on summary conviction to a fine not exceeding £50.
- (5) When a document or article has been detained under subsection (4) above and at any time after the expiration of six months from the date when that detention began no person has been charged since that date with an offence in relation to the document or article under subsection (1) or (3) above, and the document or article has not been returned to the person to whom the authorisation in question was issued or to the person who at that date was the driver or person in charge of the vehicle, then, on an application made for the purpose to a magistrates' court (or, in Scotland, on a summary application made for the purpose to the sheriff court) by one of the following persons, namely, the person to whom the authorisation was issued, the person who at the said date was the driver or person in charge of the vehicle, or the person for the time being having possession of the document or article, the court shall make such order respecting disposal of the document or article and award such costs (or, in Scotland, expenses) as the justice of the case may require.

Penalty for breach of regulations and for aiding, abetting, etc., commission of offences in Scotland

87 Penalty for breach of regulations.

If a person acts in contravention of, or fails to comply with, any regulations made by the Minister or a Secretary of State under this Act (other than regulations made under section 25, 80 or 84C) and contravention thereof, or failure to comply therewith, is not made an offence under any other provision of this Act or under any provision of the Road Traffic Act 1960 he shall for each offence be liable on summary conviction to a fine not exceeding £20.

88 Penalty for aiding, abetting, etc. commission of offences in Scotland.

As respects Scotland, a person who aids, abets, counsels, procures or incites any other person to commit an offence against the provisions of this Act or any regulations made thereunder, except an offence against section 31(3), 43(2) or (3) or 80(8), shall be guilty of an offence and shall be liable on conviction to the same punishment as might be imposed on conviction of the first-mentioned offence.

Legal proceedings and destination of fines

89 Evidence by certificate.

- (1) In any proceedings in England or Wales for an offence to which section 85 of this Act applies a certificate in the prescribed form, purporting to be signed by a constable and certifying that a person specified in the certificate stated to the constable—
 - (a) that a particular motor vehicle was being driven or used by, or belonged to, that person on a particular occasion, or
 - (b) that a particular motor vehicle on a particular occasion was used by, or belonged to, a firm in which that person also stated that he was at the time of the statement a partner, or
 - (c) that a particular motor vehicle on a particular occasion was used by, or belonged to, a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or to whom it belonged, as the case may be, on that occasion.
- (2) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.
- (3) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence—
 - (a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence, or
 - (b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice

in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.

- (4) In this section "prescribed" means prescribed by rules made by the Secretary of State under section 242 of the Road Traffic Act 1960.

90 Proof, in summary proceedings, of identity of driver of vehicle.

Where on the summary trial in England or Wales of an information for an offence to which section 85 of this Act applies—

- (a) it is proved to the satisfaction of the court, on oath or in manner prescribed by rules made under section 15 of the Justices of the Peace Act 1949, that a requirement under the said section 85(2) to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post, and
- (b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

91 Time for commencing summary proceedings for offences under s. 86.

Summary proceedings for an offence under section 86 of this Act may be brought—

- (a) within a period of six months from the date of the commission of the alleged offence, or
- (b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

92 Jurisdiction of courts of summary jurisdiction in Scotland for certain offences.

An offence under this Act, or any regulations made under this Act, for which the maximum penalty does not exceed £50, other than an offence under section 13(4), 23(5), 25(2) or 26(6), may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed.

93 Inclusion in indictment in Scotland of certain summary offences.

- (1) A contravention occurring in Scotland of any of the provisions of this Act or of any regulations made thereunder, which is directed to be prosecuted summarily and which, if it had been triable on indictment, could competently have been libelled as an additional or alternative charge in an indictment charging a person with culpable homicide in respect of the driving or attempted driving or use of a motor vehicle, or with a contravention of section 1, section 2 or section 6 of the Road Traffic Act 1960, may, notwithstanding the direction aforesaid, be so libelled and may be tried accordingly.

In this subsection any reference to a contravention of regulations includes a reference to a failure to comply with regulations.

- (2) This section shall not apply to a contravention of any of the following provisions of this Act, that is to say, sections 31(3), 43(2) and (3) and 80(8).

94 Destination of fines.

- (1) All sums paid to the Secretary of State under section 27 of the Justices of the Peace Act 1949 in respect of fines imposed in respect of offences under the foregoing provisions of this Act or the regulations made thereunder (except offences under section 25(2), 26(6), 26A(5) or 31(5) shall be deemed to be Exchequer moneys within the meaning of the said section 27.
- (2) All fines imposed in respect of offences under section 86 of this Act of which the offenders have been convicted on indictment shall be paid into the Exchequer in the manner and in accordance with the directions applicable by virtue of section 21(2) of the Vehicles (Excise) Act 1962 to the fines therein mentioned, and so shall all fines imposed in respect of offences committed in Scotland under the foregoing provisions of this Act, or the regulations made thereunder, being offences of which the offenders have been convicted otherwise than on indictment, except offences under section 25(2), 26(6) or 42 of this Act.

Inquiries

95 General power to hold inquiries.

Without prejudice to any other provision of this Act, the Minister or the Secretary of State may hold inquiries for the purposes of this Act except sections 80 and 81 thereof.

96 General provisions as to inquiries.

- (1) Where under any of the provisions of this Act an inquiry is held by the Minister or the Secretary of State,—
- (a) notice of the inquiry may be given and published in accordance with such general or special directions as the appropriate Minister may give ;
 - (b) the appropriate Minister and, if authorised by him, the person appointed to hold the inquiry, may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or to produce any documents in his possession or power which relate to any matter in question at the inquiry, and are such as would be subject to production in a court of law ;
 - (c) the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths;
 - (d) the appropriate Minister may make such order as to the payment of the costs incurred by him in connection with the inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and 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 that person, 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.

- (2) If a person fails without reasonable excuse to comply with any of the provisions of an order under paragraph (b) of subsection (1) above, he shall be liable on summary conviction to a fine not exceeding £5.

Application to Crown

97 Application to Crown.

- (1) Subject to the provisions of this section, the provisions of this Act specified in subsection (2) below shall apply to vehicles and persons in the public service of the Crown.
- (2) The said provisions are sections 1, 9 to 12, 18 to 24, 33 to 37, 40, 42, 44, 47 to 51, 54, 55, 57 to 69, 71 to 79, 82 and 83 and, except in relation to vehicles and persons in the armed forces of the Crown when on duty, section 6.
- (3) The Minister may by regulations vary in relation to vehicles used for naval, military or air force purposes while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown the provisions of any statutory provision imposing a speed limit on motor vehicles; but regulations under this subsection may provide that any variation made by the regulations shall have effect subject to such conditions as may be specified in the regulations.
- (4) For the purpose of proceedings for an offence under this Act in connection with a vehicle in the public service of the Crown, being proceedings against a person other than the driver or rider of the vehicle, the person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that the driver or rider only was responsible.

98 Vehicles used for marine salvage.

Section 97(3) of this Act shall have effect in relation to motor vehicles used for salvage purposes pursuant to Part IX of the Merchant Shipping Act 1894 as it has effect in relation to vehicles used for naval, military or air force purposes while being driven as therein mentioned.

Interpretation

99 Interpretation of expressions relating to motor vehicles and classes thereof.

- (1) In this Act " motor vehicle " means a mechanically propelled vehicle intended or adapted for use on roads, and " trailer " means a vehicle drawn by a motor vehicle:
- Provided that a sidecar attached to a motor cycle shall, if it complies with such conditions as may be specified in regulations made by the Minister, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.
- (2) In this Act " motor car " means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen—

- (a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Minister, does not exceed three tons;
 - (b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed three tons, or three tons and a half if the vehicle carries a container or containers for holding for the purpose of its propulsion any fuel which is wholly gaseous at sixty degrees Fahrenheit under a pressure of thirty inches of mercury or plant and materials for producing such fuel;
 - (c) does not exceed two tons and a half in a case falling within neither of the foregoing paragraphs.
- (3) In this Act " heavy motor car " means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds two tons and a half.
- (4) In this Act (except for the purposes of the provisions thereof relating to the provision by parish councils of parking places for bicycles and motor cycles) " motor cycle " means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed eight hundredweight.
- (5) In this Act " invalid carriage " means a mechanically propelled vehicle the weight of which unladen does not exceed five hundredweight and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person.
- (6) In this Act " motor tractor " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment, and the weight of which unladen does not exceed seven tons and a quarter.
- (7) In this Act " light locomotive " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles aforesaid, and the weight of which unladen does not exceed eleven tons and a half but does exceed seven tons and a quarter.
- (8) In this Act " heavy locomotive " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles aforesaid, and the weight of which unladen exceeds eleven tons and a half.
- (9) For the purposes of this section, in a case where a motor vehicle is so constructed that a trailer may by partial super-imposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load.
- (10) For the purposes of this section, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load or goods or burden of any description, but shall be deemed to form part of the vehicle.
- (11) The Minister may by regulations vary any of the maximum or minimum weights specified in the foregoing provisions of this section, and such regulations may have

effect either generally or in the case of vehicles of any class specified in the regulations and either for the purposes of this Act and of all regulations thereunder or for such of those purposes as may be so specified; and nothing in section 78 of this Act shall be construed as limiting the powers conferred by this subsection.

100 Articulated vehicles.

A vehicle so constructed that it can be divided into two parts both of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of this Act as that motor vehicle with the other part attached as a trailer.

101 Hovercraft.

- (1) For the purposes of this Act a hovercraft within the meaning of the Hovercraft Act 1968 (in this section referred to as a hover vehicle)—
 - (a) shall be a motor vehicle, whether or not it is adapted or intended for use on roads ; but
 - (b) shall be treated, subject to subsection (2) below, as not being a vehicle of any of the classes defined in subsections (2) to (8) of section 99 of this Act.
- (2) The Minister may by regulations provide—
 - (a) that any provision of this Act which would otherwise apply to hover vehicles shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations ; or
 - (b) that any such provision which would not otherwise apply to hover vehicles shall apply to them, subject to such modifications (if any) as may be specified in the regulations.

102 Pedal cycles.

This Act shall apply in relation to cycles having four or more wheels and not being motor vehicles as it applies in relation to tricycles not being motor vehicles.

103 Certain vehicles not to be treated as motor vehicles.

- (1) For the purposes of this Act—
 - (a) a mechanically propelled vehicle, being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose, and
 - (b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Minister for the purposes of this section and of section 10(5) of the Road Transport Lighting Act 1957 and of section 254 of the Road Traffic Act 1960,shall be treated as not being a motor vehicle.
- (2) In subsection (1) above " controlled by a pedestrian " means that the vehicle either—
 - (a) is constructed or adapted for use only under such control, or
 - (b) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it.

104 General interpretation provisions.

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

subject to section 108 of this Act, " the appropriate Minister " means, in relation to England or Wales, the Minister of Transport and, in relation to Scotland, the Secretary of State;

" bridge authority " means the authority or person responsible for the maintenance of a bridge;

" bridleway " means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the way;

" designation order " means an order under section 35 of this Act;

except for the purposes of section 42, " driver ", where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and " drive " shall be construed accordingly ;

" footpath " means a way over which the public have a right of way on foot only ;

" highway authority ", for the purposes of the application of this Act to England or Wales, means, in relation to a road other than a trunk road, the authority (being either the council of a county, the council of a county borough, the council of a non-county borough or an urban district, the Common Council of the City of London, the council of a London borough or the Greater London Council) which is responsible for the maintenance of the road, and, in relation to a trunk road, the Minister or the Secretary of State, as the case may be, and for the purposes of the application of this Act to Scotland means, in relation to a road other than a trunk road, a county council or the town council of a burgh charged with the maintenance and management of any of the highways therein, and, in relation to a trunk road, the Secretary of State ;

" magistrates' court " and " petty sessions area " have the same meanings as in the Magistrates' Courts Act 1952;

" metropolitan road " means a road for the time being designated by or under section 17 of the London Government Act 1963 as a metropolitan road;

" the Minister " means the Minister of Transport;

" owner ", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

" road " means any highway and any other road to which the public has access, and includes bridges over which a road passes;

" salvage " means the preservation of a vessel which is wrecked, stranded or in distress, or the lives of persons belonging to, or the cargo or apparel of, such a vessel;

" special road " means a road provided or to be provided in pursuance of a scheme under section 1 of the Special Roads Act 1949, or section 11 of the Highways Act 1959, or to which, by virtue of section 19 of the last-mentioned Act, that Act applies as if it were a road provided in pursuance of a scheme under section 11 thereof, and includes any part of a special road;

" statutory ", in relation to any prohibition, restriction, requirement or provision, means contained in, or having effect under, any enactment (including any enactment contained in this Act);

" street parking place " and " off-street parking place " refer respectively to parking places on land which does, and on land which does not, form part of a road ;

" traffic sign " has the meaning assigned to it by section 54(1) of this Act;

" tramcar " includes any carriage used on any road by virtue of an order made under the Light Railways Act 1896 ;

" trolley vehicle " means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source;

and the expressions " public service vehicle ", " stage carriage ", and " express carriage " shall be construed in accordance with sections 117 and 118 of the Road Traffic Act 1960.

- (2) References in this Act to a class of vehicles or traffic (except the references in section 13) shall be construed as references to a class defined by reference to any characteristics of the vehicles or traffic or to any other circumstances whatsoever.
- (3) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any subsequent enactment.

105 Effect of certain references to Scottish local authorities.

Where any powers and duties are by this Act conferred or imposed, in relation to Scotland, on county councils and on town councils of certain burghs only, all other burghs shall, for the purposes of those powers and duties, be deemed to be within the county.

Exclusion of application of certain provisions to tramcars and trolley vehicles

106 Exclusion of application of certain provisions to tramcars and trolley vehicles.

- (1) None of the following provisions of this Act, and no orders or regulations made under those provisions, shall apply to tramcars or trolley vehicles operated under statutory powers, that is to say, sections 1, 12, 14, 19 and 71 to 79.
- (2) In this section " operated under statutory powers " means, in relation to tramcars or trolley vehicles, that their use is authorised or regulated by special Act of Parliament or by an order having the force of an Act.
- (3) Subsection (1) above shall have effect subject to any such Act or order as is mentioned in subsection (2) above, and any such Act or order may apply to the tramcars or trolley vehicles to which it relates any of the provisions excluded by subsection (1) above except sections 1, 12 and 14.

Exercise of regulation-making powers and parliamentary control thereover

107 Exercise of regulation-making powers and parliamentary control thereover.

- (1) Any power conferred by this Act on the Minister, the Minister of Housing and Local Government or a Secretary of State, or on the Minister and the Secretary of State acting jointly, to make regulations shall be exercisable by statutory instrument.
- (2) Before making any regulations under this Act the Minister or, as the case may be, the Secretary of State, or the Minister and the Secretary of State acting jointly, shall consult with such representative organisations as he or they think fit.

This subsection does not apply to regulations under section 80.

- (3) A statutory instrument whereby any such power as aforesaid is exercised (other than the power conferred by section 78, 81 or 103) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Regulations under section 78 or 103 of this Act shall not have effect unless approved by resolution of each House of Parliament.
- (5) No regulations shall be made under section 81 of this Act unless a draft has been laid before Parliament and has been approved by a resolution of each House of Parliament.

Application to Wales

108 Application to Wales.

- (1) In so far as the provisions of this Act apply to Wales the functions of the Minister under those provisions other than—
 - (a) his functions under sections 15, 33, 71, 78, 81, 97, 99, 101 and 103,
 - (b) his power (acting jointly with the Secretary of State) to make regulations under section 54, and
 - (c) his power (acting jointly as aforesaid) to give general directions under section 55(1),

shall, subject to the following provisions of this section, be exercisable by the Secretary of State instead of by the Minister and references in this Act to the Minister or the appropriate Minister shall be construed accordingly.

- (2) The functions of the Minister under sections 95 and 96 of this Act shall be exercisable by the Secretary of State only for the purposes of the other functions which by virtue of subsection (1) above are exercisable by the Secretary of State.
- (3) The Secretary of State shall not by virtue of this section exercise any functions in relation to that part of the road constructed, or in the course of being constructed, by the Minister along the line described in Schedule 1 to the North of Almondsbury—South of Haysgate Trunk Road Order 1947 and referred to in that Order as " the new road " which lies to the east of the most easterly point before reaching the River Wye at which eastbound traffic of Classes I and II (as specified in Schedule 4 to the Highways Act 1959) can leave that road by another special road.
- (4) In this section " Wales " includes Monmouthshire.

Application to Isles of Scilly

108A Application to Isles of Stilly.

- (1) The Minister may, after consultation with the Council of the Isles of Scilly, by order provide that any provision of this Act specified in the order shall apply to the Isles, subject to such modifications as may be so specified, as if the Isles were a separate county or a county district.
- (2) The power to make orders conferred by this section shall be exercisable by statutory instrument and shall include power to make an order varying or revoking any previous order under this section.

Supplementary

109 Consequential amendments.

The enactments specified in Schedule 6 to this Act shall have effect subject to the amendments respectively specified in relation thereto in that Schedule.

110 Repeals, revocations, savings and transitional provisions.

- (1) The enactments specified in Part I of Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule, and the regulations and order specified in Part II of that Schedule are hereby revoked to the extent specified in the third column of that Part of that Schedule.
- (2) The savings and transitional provisions contained in Schedule 8 to this Act shall have effect.

111 Saving for s. 38 of Interpretation Act 1889.

The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

112 Saving for law of nuisance.

Nothing in this Act shall authorise a person to use on a road a vehicle so constructed or used as to cause a public or private nuisance, or in Scotland a nuisance, or affect the liability, whether under statute or common law, of the driver or owner so using such a vehicle.

113 Short title, commencement and extent.

- (1) This Act may be cited as the Road Traffic Regulation Act 1967.
- (2) Section 17 shall come into operation on such day as the Minister may by order made by statutory instrument appoint.
- (3) This Act shall not extend to Northern Ireland.