



Transport Act 1982

1982 CHAPTER 49

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

56 Definition of heavy commercial vehicle

(1) In section 104 of the 1967 Act (general interpretation provisions) the following subsections shall be inserted after subsection (1) (in substitution for subsections (1A) to (1E) inserted by section 1(7) of the Heavy Commercial Vehicles (Controls and Regulations) Act 1973)—

“(1A) In this Act "heavy commercial vehicle" means any goods vehicle which has an operating weight exceeding 7*5 tonnes.

(1B) The operating weight of a goods vehicle for the purposes of this section is—

- (a) in the case of a motor vehicle not drawing a trailer, or in the case of a trailer, its maximum laden weight;
- (b) in the case of an articulated vehicle, its maximum laden weight (if it has one) and otherwise the aggregate maximum laden weight of all the individual vehicles forming part of that articulated vehicle; and
- (c) in the case of a motor vehicle (other than an articulated vehicle) drawing one or more trailers, the aggregate maximum laden weight of the motor vehicle and the trailer or trailers attached to it.

(1C) In this section—

" articulated vehicle " means a motor vehicle with a trailer so attached to it as to be partially superimposed upon it;

" goods vehicle" has the same meaning (except as provided by subsection (1D) below) as in the Road Traffic Act 1972;

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and references to the maximum laden weight of a vehicle are references to the total laden weight which must not be exceeded in the case of that vehicle if it is to be used in Great Britain without contravening any regulations for the time being in force under section 40 of that Act (construction and use regulations).

(1D) In this section, and in the definition of " goods vehicle " in section 196(1) of that Act as it applies for the purposes of this section, " trailer " means any vehicle other than a motor vehicle.

(1E) The Secretary of State may by regulations amend subsections (1A) and (1B) above (whether as originally enacted or as previously amended under this subsection)—

- (a) by substituting weights of a different description for any of the weights there mentioned; or
- (b) in the case of subsection (1A) above, by substituting a weight of a different description or amount, or a weight different both in description and amount, for the weight there mentioned.

(1F) Different regulations may be made under subsection (1E) above for the purpose of different provisions of this Act and as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects roads in different localities.

(1G) Regulations under subsection (1E) above shall not so amend subsection (1A) above that there is any case in which a goods vehicle whose operating weight (ascertained in accordance with subsection (1B) above as originally enacted) does not exceed 7.5 tonnes is a heavy commercial vehicle for any of the purposes of this Act”.

(2) In section 36A of the 1972 Act (prohibition of parking of heavy commercial vehicles on verges and footways), for subsections (5) to (9) (which contain a definition of " heavy commercial vehicle " which corresponds to that replaced for the purposes of the 1967 Act by the definition inserted in section 104 of that Act by subsection (1) above) there shall be substituted the following subsections—

“(5) In this section " heavy commercial vehicle " means any goods vehicle which has an operating weight exceeding 7.5 tonnes.

(6) The operating weight of a goods vehicle for the purposes of this section is—

- (a) in the case of a motor vehicle not drawing a trailer or in the case of a trailer, its maximum laden weight;
- (b) in the case of an articulated vehicle, its maximum laden weight (if it has one) and otherwise the aggregate maximum laden weight of all the individual vehicles forming part of that articulated vehicle; and
- (c) in the case of a motor vehicle (other than an articulated vehicle) drawing one or more trailers, the aggregate maximum laden weight of the motor vehicle and the trailer or trailers attached to it

(7) In this section " articulated vehicle " means a motor vehicle with a trailer so attached to it as to be partially superimposed upon it; and references to the maximum laden weight of a vehicle are references to the total laden weight which must not be exceeded in the case of that vehicle if it is to be used in Great Britain without contravening any regulations for the time being in force under section 40 of this Act.

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- (8) In this section, and in the definition of "goods vehicle " in section 196(1) of this Act as it applies for the purposes of this section, " trailer " means any vehicle other than a motor vehicle.
- (9) The Secretary of State may by regulations amend subsections (5) and (6) above (whether as originally enacted or as previously amended under this subsection)—
- (a) by substituting weights of a different description for any of the weights there mentioned ; or
 - (b) in the case of subsection (5) above, by substituting a weight of a different description or amount, or a weight different both in description and amount, for the weight there mentioned.
- (10) Different regulations may be made under subsection (9) above as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects different localities.
- (11) Regulations under subsection (9) above shall not so amend subsection (5) above that there is any case in which a goods vehicle whose operating weight (ascertained in accordance with subsection (6) above as originally enacted) does not exceed 7.5 tonnes is a heavy commercial vehicle for any of the purposes of this section.”.
- (3) For the purpose of determining whether or not any vehicle is a heavy commercial vehicle for the purposes of a traffic regulation order or experimental traffic order—
- (a) made before 13th August 1981 (whether or not varied or, in the case of an experimental traffic order, continued after that date); and
 - (b) including any such provision as is referred to in section 1 (3AA) of the 1967 Act;
- the new definition shall not apply during the transitional period and the previous definition shall continue to apply during that period.

- (4) In subsection (3) above—
- "experimental traffic order" has the same meaning as it has in section 9 of the 1967 Act, but does not include an order in respect of traffic on roads in Greater London ;
 - " the new definition " means section 104(1A) to (1G) of that Act, as it has effect by virtue of subsection (1) above;
 - " the previous definition " means section 104(1A) to (IE) of that Act, as it had effect before the coming into force of this section ;
 - " traffic regulation order " has the same meaning as it has in section 1 of that Act; and
 - " transitional period" means the period beginning with the coming into force of this section and ending with 31st December 1989.

57 Authorisation of head-worn appliances for use on motor cycles

- (1) The following section shall be inserted after section 33 of the 1972 Act (protective helmets for motor cyclists) immediately before section 33A of that Act (which was inserted by section 27 of the Transport Act 1981)—

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“33AA Authorisation of head-worn appliances for use on motor cycles.

- (1) The Secretary of State may make regulations prescribing (by reference to shape, construction or any other quality) types of appliance of any description to which this section applies as authorised for use by persons driving or riding (otherwise than in sidecars) on motor cycles of any class specified in the regulations.
- (2) Regulations under this section—
 - (a) may impose restrictions or requirements with respect to the circumstances in which appliances of any type prescribed by the regulations may be used ; and
 - (b) may make different provision in relation to different circumstances.
- (3) If a person driving or riding on a motor cycle on a road uses an appliance of any description for which a type is prescribed under this section he shall be guilty of an offence if that appliance is not of a type so prescribed or is otherwise used in contravention of regulations under this section.
- (4) If a person sells, or offers for sale, an appliance of any such description as authorised for use by persons on or in motor cycles, or motor cycles of any class, and that appliance is not of a type prescribed under this section as authorised for such use, he shall, subject to subsection (5) below, be guilty of an offence.
- (5) A person shall not be convicted of an offence under this section in respect of the sale or offer for sale of an appliance if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.
- (6) In England or Wales the council of a county or of a London borough, the Greater London Council or the Common Council of the City of London may institute proceedings for an offence under this section.
- (7) The provisions of Schedule 1 to this Act shall have effect in relation to contraventions of subsection (4) of this section as they have effect in relation to contraventions of section 33 of this Act; and in that Schedule, as it has effect by virtue of this subsection—
 - (a) references to helmets shall be read as references to appliances to which this section applies; and
 - (b) the reference in paragraph 4(1)(a) to a type which under the principal section could be lawfully sold or offered for sale shall be read as a reference to a type which under this section could be lawfully sold or offered for sale as authorised for use in the manner in question.
- (8) This section applies to appliances of any description designed or adapted for use—
 - (a) with any headgear ; or
 - (b) by being attached to or placed upon the head;(as, for example, eye protectors or earphones).
- (9) References in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.”.

(2) The following entries shall be inserted in Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences) immediately after the entry relating to section 33—

“33AA(3)	Contravention of regulations with respect to use of head-worn appliances on motor cycles.	Summarily.	£50.	—	—	—
33AA(4)	Selling, etc., appliance not of prescribed type as approved for use on motor cycles.	Summarily.	£200.	—	—	—.”.

58 Penalty points for accessories to traffic offences

The following shall be substituted for Part I of Schedule 7 to the Transport Act 1981 (penalty points)—

“PART I

OFFENCES WHERE DISQUALIFICATION OBLIGATORY FOR PRINCIPAL OFFENDERS EXCEPT FOR SPECIAL REASONS

Description of offence	Number of penalty points
Any offence involving obligatory disqualification (within the meaning of Part III of the Road Traffic Act 1972)—	
(a) in the case of an offence which is treated as an offence involving discretionary disqualification for the purposes of section 93 of that Act by virtue of subsection (6) of that section (offences committed by aiding, etc., the commission of an offence involving obligatory disqualification)	10
(b) in any other case	4.”.

59 Specimens of breath for breath tests, etc.

In section 12(3) of the 1972 Act as inserted by Schedule 8 to the Transport Act 1981 (circumstances in which a person fails to provide a specimen of breath for a breath test or for analysis), the following words shall be added at the end " and provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved ".

60 Alteration of procedure governing the Highway Code

The following section shall be substituted for section 37 of the 1972 Act—

“37 The Highway Code.

- (1) The Highway Code shall continue to have effect, subject however to revision in accordance with the following provisions of this section.
- (2) Subject to the following provisions of this section, the Secretary of State may from time to time revise the Highway Code by revoking, varying, amending or adding to the provisions of the Code in such manner as he thinks fit.
- (3) Where the Secretary of State proposes to revise the Highway Code by making any alterations in the provisions of the Code, other than alterations merely consequential on the passing, amendment or repeal of any statutory provision, he shall lay the proposed alterations before both Houses of Parliament and shall not make the proposed revision until after the end of a period of forty days beginning with the day on which the alterations were so laid.
- (4) If within the period mentioned in subsection (3) above either House resolves that the proposed alterations be not made, the Secretary of State shall not make the proposed revision (but without prejudice to the laying before Parliament of further proposals for alteration in accordance with that subsection).
- (5) Before revising the Highway Code by making any alterations in its provisions which are required by subsection (3) above to be laid before Parliament, the Secretary of State shall consult with such representative organisations as he thinks fit.
- (6) The Secretary of State shall cause the Highway Code to be printed and may cause copies of it to be sold to the public at such price as he may determine.
- (7) A failure on the part of a person to observe a provision of the Highway Code shall not of itself render that person liable to criminal proceedings of any kind but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act, the Road Traffic Regulation Act 1967 or the Public Passenger Vehicles Act 1981) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.
- (8) In this section " the Highway Code " means the code comprising directions for the guidance of persons using roads issued under section 45 of the Road Traffic Act 1930, as from time to time revised under this section or under any previous enactment.
- (9) For the purposes of subsection (3) above—

- (a) "statutory provision" means a provision contained in an Act or in subordinate legislation within the meaning of the Interpretation Act 1978 (and the reference to the passing or repeal of any such provision accordingly includes the making or revocation of any such provision);
- (b) where the proposed alterations are laid before each House of Parliament on different days, the later day shall be taken to be the day on which they were laid before both Houses; and
- (c) in reckoning any period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days."

61 Speed limits

- (1) In determining whether a road which is provided with such a system of street lighting as is mentioned in section 72(1) of the 1967 Act (street lighting system of specified density) is a restricted road for the purpose of section 71 of that Act (general speed limit for restricted roads), the qualification imposed in the case of trunk or classified roads by section 72(2) (whereby the provision of such a system renders the road restricted only if the system was provided before 1st July 1957) shall cease to have effect.
- (2) Any road which—
 - (a) would (apart from this subsection) become a restricted road by virtue of subsection (1) above at the time of the coming into operation of this section ; and
 - (b) immediately before that time was treated as if it were not a restricted road ; shall be taken to have ceased to be a restricted road before that time by virtue of a direction duly given under section 72(3) and still in force at that time.
- (3) For the purposes of subsection (2)(b) above, a road shall be taken as having been treated as if it were not a restricted road immediately before the time mentioned in that subsection if immediately before that time there was in place in respect of that road any sign of a description prescribed for indicating—
 - (a) that no maximum speed limit (other than one in respect of which no sign is required) is to be observed on any road in respect of which it is placed; or
 - (b) that a maximum speed limit is to be observed on any such road;so long as in a case within paragraph (b) above the maximum speed limit displayed is greater than the rate of speed fixed by section 71 at that time (maximum speed limit of thirty miles per hour on restricted roads).
- (4) For the purposes of subsection (3)(a) above, a maximum speed limit is one in respect of which no sign is required if it is one in relation to which section 75 of the 1967 Act does not apply.
- (5) In consequence of the preceding provisions of this section, section 72(2) and (4) of the 1967 Act is hereby repealed.
- (6) In this section " road " means any length of road.

62 Approval of radar speed measuring devices

There shall be inserted after section 78A of the 1967 Act the following section—

“78B Approval of radar speed measuring devices.

On the prosecution of a person for any speeding offence, evidence of the measurement of any speed by a device designed or adapted for measuring by radar the speed of motor vehicles shall not be admissible unless the device is of a type approved by the Secretary of State.”.

63 Amendment of certain penalties in the 1972 Act

- (1) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences), column 4 of the entry relating to section 40(5) (contravention of construction and use regulations) shall be amended as follows—
- (a) for " £400 ", in both places where it occurs, there shall be substituted " £1,000 ";
 - (b) for " £100 " there shall be substituted " £500 "; and
 - (c) after the words "goods vehicle", in the first place where they occur, there shall be inserted the words " or a vehicle adapted to carry more than eight passengers ".
- (2) In column 4 of the entry in Part I of Schedule 4 relating to section 44(1) of that Act (using, etc., a vehicle without required test certificate being in force) for " £100 " there shall be substituted—
- “(a) £500, in the case of a vehicle adapted to carry more than eight passengers ; and
 - (b) £200 in any other case.”.
- (3) This section does not apply in relation to offences committed before it comes into operation.

64 Proceedings in respect of offences in connection with Crown vehicles

- (1) In section 188 of the 1972 Act (application to the Crown), for subsections (8) and (9) there shall be substituted the following subsections—
- “(8) Where an offence under this Act is alleged to have been committed in connection with a vehicle in the public service of the Crown, proceedings may be brought in respect of the offence against a person nominated for the purpose on behalf of the Crown ; and subject to subsection (9) below, where any such offence is committed any person so nominated shall also be guilty of the offence as well as any person actually responsible for the offence (but without prejudice to proceedings against any person so responsible).
 - (9) Where a person is convicted of an offence by virtue of subsection (8) above—
 - (a) no order may be made on his conviction save an order imposing a fine;
 - (b) payment of any fine imposed on him in respect of that offence may not be enforced against him; and
 - (c) apart from the imposition of any such fine, the conviction shall be disregarded for all purposes other than any appeal (whether by way of case stated or otherwise).”

- (2) The subsections substituted by subsection (1) above for subsections (8) and (9) of section 188 of the 1972 Act (referred to below in this section as the 1972 Act subsections) shall also be substituted—
- (a) for section 97(4) of the 1967 Act; and
 - (b) for section 102(3) of the Transport Act 1968 ;
- renumbered in the former case as subsections (4) and (5) and in the latter case as subsections (3) and (3A) (and taking the reference in each of those subsections to the other as correspondingly renumbered).
- (3) As inserted by subsection (2) above in section 102 of the Transport Act 1968, subsection (8) of the 1972 Act subsections shall have effect with the substitution of the words " this Part of this Act " for the words " this Act " .

65 Marking of builders' skips

In section 139 of the Highways Act 1980 (control of builders' skips), at the end of subsection (4)(a) (duty of owner of skip deposited on highway to secure that it is properly lighted) there shall be inserted the following words " and, where regulations made by the Secretary of State under this section require it to be marked in accordance with the regulations (whether with reflecting or fluorescent material or otherwise), that it is so marked " .

66 Powers exercisable in relation to harbour authorities in the interests of national defence

- (1) If it appears to the Secretary of State that there is anything which a harbour authority ought in the interests of national defence—
- (a) to have power to do in connection with any harbour which they are engaged in improving, maintaining or managing; or
 - (b) to be required to do in connection with any such harbour ;
- he may authorise or direct the authority to do that thing.
- (2) No limitation on the powers of a harbour authority contained in any statutory provision, whenever passed or made, shall prevent the authority from acting in accordance with an authorisation or direction given under subsection (1) above.
- (3) A harbour authority or any other person who suffers injury, loss or damage in consequence of anything done in pursuance of an authorisation or direction given under subsection (1) above shall be entitled to receive from the Secretary of State such compensation as may be agreed or as may, in default of agreement, be determined by arbitration to be just having regard to all the circumstances of the particular case.
- (4) An arbitration under subsection (3) above shall, unless otherwise agreed, be the arbitration—
- (a) in England and Wales or Northern Ireland, of a single arbitrator to be appointed by the Lord Chancellor; and
 - (b) in Scotland, of a single arbiter to be appointed by the Lord President of the Court of Session.
- (5) Any compensation payable by the Secretary of State under this section shall be paid out of money provided by Parliament.

- (6) Any authorisation or direction given to a harbour authority by the Secretary of State under subsection (1) above shall be in writing; and it shall be the duty of any harbour authority to comply with any directions given to them under that subsection.
- (7) In this section "harbour", "harbour authority" and " statutory provision " have—
- (a) in relation to England, Wales and Scotland, the same meaning as in the Harbours Act 1964 ; and
 - (b) in relation to Northern Ireland, the same meaning as in the Harbours Act (Northern Ireland) 1970.

67 Extended pension provision for members of transport Boards

In paragraph 8 of Schedule 1 to the Transport Act 1962 (salaries, pensions etc. of members of Boards of nationalised transport industries), in sub-paragraph (1)(b) (Minister may determine pensions to be paid on the retirement or death of members of Boards), for the words " on the retirement or death " there shall be substituted the words " in the case ".

68 Refusal or withdrawal of disabled person's badges

In section 21 of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons) after subsection (7) there shall be inserted the following subsections—

- “(7A) Where the prescribed conditions are met in the case of any person, then—
- (a) if he applies to a local authority for the issue of a badge under this section, the authority may by notice refuse the application ; and
 - (b) if he holds a badge issued under this section by the authority, the authority may by notice require him to return the badge to them.

The conditions that may be prescribed for the purposes of this subsection are conditions relating to the misuse of badges issued under this section.

- (7B) A notice under subsection (7A) above may be given by post.
- (7C) A person whose application is refused under subsection (7A) above or who is required to return his badge under that subsection may, within the prescribed time, appeal to the Secretary of State who may confirm or reverse the decision of the local authority ; and, if he reverses it, the authority shall issue a badge accordingly or, as the case may be, the requirement to return the badge shall cease to have effect.
- (7D) A badge which is required to be returned to the issuing authority by virtue of subsection (6) above may not be displayed on any vehicle ; and a badge which is required to be so returned by virtue of a notice under subsection (7A) above shall be returned within the prescribed time and may not be displayed on any vehicle after that time.
- (7E) Regulations under this section may provide for the procedure to be followed in connection with appeals under subsection (7C) above; but the Secretary of State shall consult with the Council on Tribunals before making regulations that so provide.”.

69 Evidence in certain proceedings in Scotland

- (1) In any proceedings in Scotland for an offence referred to in subsection (2) below it shall be lawful to convict the accused on the evidence of one witness.
- (2) The offence referred to in subsection (1) above is 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 section 82 of the 1972 Act 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 a 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 the 1967 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 or parts of carriageways 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 its being used or kept on a public road within the meaning of the Vehicles (Excise) Act 1971 without a licence under that Act being exhibited on the vehicle in the manner prescribed under that Act.

70 Payments in respect of applicants for exemption from wearing seat belts

- (1) The Secretary of State may make payments out of money provided by Parliament in respect of the examination of applicants falling within any class mentioned in subsection (2) below, being applicants for medical certificates required as a condition of any exception prescribed by regulations under section 33A or 33B of the 1972 Act (wearing of seat belts).
- (2) The classes referred to in subsection (1) above are—
 - (a) those in receipt of—
 - (i) attendance allowance under section 35 of the Social Security Act 1975 ;
 - (ii) mobility allowance under section 37A of that Act;
 - (iii) disablement pension under section 57 of that Act at a weekly rate increased by virtue of section 61(1) of that Act (constant attendance needed); or
 - (iv) an allowance under article 14 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978 (constant attendance allowance);
 - (b) those in receipt of—
 - (i) family income supplement; or
 - (ii) any benefit under the Supplementary Benefits Act 1976;and their dependants ;

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- (c) those provided with invalid carriages or other vehicles under subsection (1) of section 46 of the National Health Service (Scotland) Act 1978 or in receipt of grants under subsection (3) of that section in respect of invalid carriages or other vehicles which belong to them; and
 - (d) those whose names are in the register of disabled persons maintained under section 6 of the Disabled Persons (Employment) Act 1944.
- (3) The Secretary of State may by order amend subsection (2) above (whether as originally enacted or as previously amended under this subsection) so as to omit any of the classes mentioned in that subsection or add to or substitute for any of those classes other classes of any description.

71 Northern Ireland

An Order in Council under paragraph 1(1) (b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of section 70 of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House.