



# Road Traffic Regulation Act 1984

## 1984 CHAPTER 27

### PART X

#### GENERAL AND SUPPLEMENTARY PROVISIONS

#### [121A <sup>F1</sup>Traffic authorities.

- (1) The Secretary of State is the traffic authority—
  - (a) for every highway in England and Wales for which he is the highway authority within the meaning of the Highways Act 1980, and
  - <sup>F2</sup>(b) for every road in Scotland in relation to which he exercises functions relating to the matters reserved by paragraph (c) of Section E1 of Schedule 5 to the Scotland Act 1998.]

<sup>F3</sup>(1A) The Scottish Ministers are the traffic authority for every road in Scotland for which they are the roads authority within the meaning of the Roads (Scotland) Act 1984.]

<sup>F4</sup>(1A) Transport for London is the traffic authority for every GLA road.]

- (2) In Greater London, the council of the London borough or the Common Council of the City of London are the traffic authority for all roads in the borough or, as the case may be, in the City [<sup>F5</sup>which are not GLA roads and] for which the Secretary of State is not the traffic authority.
- (3) In England and Wales outside Greater London, the council of the county or metropolitan district are the traffic authority for all roads in the county or, as the case may be, the district for which the Secretary of State is not the traffic authority.
- (4) In Scotland, the [<sup>F6</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] are the traffic authority in relation to all roads within their area for which the Secretary of State is not the traffic authority.
- (5) In this Act “local traffic authority” means a traffic authority other than the Secretary of State.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

### Textual Amendments

- F1** S. 121A inserted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 70](#); which substitution is in force for Scotland only by [S.I. 1991/2286](#), art. 2(2), [Sch. 2](#) and for England and Wales only by [S.I. 1991/2288](#), art. 3, [Sch.](#)
- F2** S. 121A(1)(b) substituted (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. I para. 73\(2\)\(a\)](#) (with art. 5)
- F3** S. 121A(1A) inserted (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. I para. 73\(2\)\(b\)](#) (with art. 5)
- F4** S. 121A(1A) inserted (3.7.2000) by [1999 c. 29](#), s. 271(2) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801](#), art. 2, [Sch.](#)
- F5** Words in s. 121A(2) inserted (3.7.2000) by [1999 c. 29](#), s. 271(3) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801](#), art. 2, [Sch.](#)
- F6** Words in s. 121A(4) substituted (S.) (1.4.1996) by [1994 c. 39](#), s. 180(1), [Sch. 13 para. 134\(9\)](#); [S.I. 1996/323](#), art. 4(1)(c)

### [<sup>F7</sup>121B London borough council exercising powers so as to affect another traffic authority's roads.

- (1) No London borough council shall exercise any power under this Act in a way which will affect, or be likely to affect,—
  - (a) a GLA road, or
  - (b) a road in another London borough,
 unless the requirements of subsections (2) and (3) below have been satisfied.
- (2) The first requirement is that the council has given notice of the proposal to exercise the power in the way in question—
  - (a) to Transport for London; and
  - (b) in a case where the road concerned is in another London borough, to the council for that borough.
- (3) The second requirement is that—
  - (a) the proposal has been approved by Transport for London, in the case of a GLA road, or by the London borough council concerned, in the case of any other road; or
  - (b) the period of one month beginning with the date on which Transport for London and, where applicable, the council received notice of the proposal has expired without Transport for London or the council having objected to the proposal; or
  - (c) any objection made by Transport for London or the council has been withdrawn; or
  - (d) where an objection has been made by Transport for London or a London borough council and not withdrawn, the Greater London Authority has given its consent to the proposal after consideration of the objection.
- (4) Before deciding whether to give any consent for the purposes of subsection (3)(d) above, the Greater London Authority may cause a public inquiry to be held.
- (5) If Transport for London has reason to believe—

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- (a) that a London borough council is proposing to exercise a power under this Act in a way which will affect, or be likely to affect, a GLA road or a road in another London borough, and
- (b) that notice of the proposal is required to be, but has not been, given in accordance with subsection (2) above,

Transport for London may give a direction to the council requiring it not to proceed with the proposal until the requirements of subsections (2) and (3) above have been satisfied.

- (6) If a London borough council exercises any power in contravention of this section, Transport for London may take such steps as it considers appropriate to reverse or modify the effect of the exercise of that power.
- (7) For the purposes of subsection (6) above, Transport for London shall have power to exercise any power of the London borough council on behalf of that council.
- (8) Any reasonable expenses incurred by Transport for London in taking any steps under subsection (6) above shall be recoverable by Transport for London from the London borough council concerned as a civil debt.
- (9) The Mayor of London may issue a direction dispensing with the requirements of subsections (2) and (3) above in such circumstances as may be specified in the direction.
- (10) A direction under subsection (9) above may, in particular, dispense with those requirements as respects—
  - (a) all or any of the London borough councils;
  - (b) all or any of the GLA roads;
  - (c) all or any of the roads which are neither GLA roads nor trunk roads;
  - (d) the exercise of such powers as may be specified in the direction in such manner or circumstances as may be so specified.
- (11) Any direction under subsection (9) above may be varied or revoked by a further direction under that subsection.
- (12) For the purposes of this section—
  - (a) the City of London shall be treated as if it were a London borough;
  - (b) the Common Council shall be treated as if it were the council for a London borough; and
  - (c) the Inner Temple and the Middle Temple shall be treated as forming part of the City.]

#### **Textual Amendments**

- F7** S. 121B inserted (8.5.2000 for specified purposes and otherwise 3.7.2000) by [1999 c. 29, s. 291](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801, art. 2, Sch.](#)

#### **Modifications etc. (not altering text)**

- C1** S. 121B(9) restricted (E.W.) (4.1.2005 for E. and 4.10.2004) by [Traffic Management Act 2004 \(c. 18\), ss. 29\(8\)\(b\), 99](#) (with s. 38); [S.I. 2005/3110, art. 2\(a\)](#); [S.I. 2004/2380, art. 2\(e\)](#)

*Status: Point in time view as at 01/04/2001.*

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## [<sup>F8</sup>121C Functions of GLA under this Act to be exercisable by the Mayor.

- (1) The functions of the Greater London Authority under this Act shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.
- (2) Subsection (1) above does not apply in relation to any function expressly conferred or imposed on, or made exercisable by, the London Assembly.]

### Textual Amendments

- F8** S. 121C inserted (3.7.2000) by 1999 c. 29, s. 292(2) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch.

## 122 Exercise of functions by local authorities.

- (1) It shall be the duty of [<sup>F9</sup>every] 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 regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off [<sup>F10</sup>the highway or, in Scotland the road].
- (2) The matters referred to in subsection (1) above as being specified in this subsection are—
  - (a) the desirability of securing and maintaining reasonable access to premises;
  - (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
  - [<sup>F11</sup>(bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);]
  - (c) 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
  - (d) any other matters appearing to <sup>F12</sup>. . . the local authority <sup>F12</sup>. . . to be relevant.
- [<sup>F13</sup>(3) The duty imposed by subsection (1) above is subject to the provisions of Part II of the Road Traffic Act 1991.]

### Textual Amendments

- F9** Word in s. 122(1) substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), Sch. 5 para. 4(34)
- F10** Words in s. 122(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), Sch. 8 para. 71; which is in force for Scotland only by S.I. 1991/2286, art. 2(2), Sch. 2 and for England and Wales only by S.I. 1991/2288, art. 3, Sch.
- F11** S. 122(2)(bb) inserted (1.2.1996) by 1995 c. 25, s. 120(1), Sch. 22 para. 36(3) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 2
- F12** Words in s. 122(2)(d) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), Sch. 17

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**F13** S. 122(3) added (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, **Sch. 7**, para. 7; S.I. 1991/2054, art. 3, **Sch.**

**Modifications etc. (not altering text)**

- C2** S. 122 excluded by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1,2, 8(2), Sch. 5 para. 9
- C3** S. 122 applied by Road Traffic Act 1988 (c. 52, SIF 107:1), s. 19A (8) (as inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 para. 22(1)**)
- C4** S. 122 applied (3.7.2000) by 1991 c. 40, s. 74(11) (as inserted (3.7.2000) by 1999 c. 29, s. 284 (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2, **Sch.**)
- C5** S. 122(2)(c) modified (24.7.2001) by S.I. 2001/3627, **art. 53(5)**  
S. 122(2)(c) modified (11.2.2005) by the Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), {art. 46(5)} (with arts. 65, 66)  
S. 122(2)(c) modified (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 44(5)** (with art. 51)  
S. 122(2)(c) modified (S.) (27.4.2006) by Edinburgh Tram (Line Two) (asp 6), {s. 58(5)} (with s. 75)  
S. 122(2)(c) modified (S.) (8.5.2006) by Edinburgh Tram (Line One) (asp 7), {s. 58(5)} (with ss. 76, 84)
- C6** S. 122(2)(c) modified (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), **art. 49(5)** (with art. 84, **Sch. 16**)

**[<sup>F14</sup>122A Prospective exercise of powers.**

- (1) Any power under this Act to make an order or give a direction may be exercised before the road to which it relates is open for public use, so as to take effect immediately on the road's becoming open for public use.
- (2) The procedure for making an order or giving a direction applies in such a case with such modifications as may be prescribed.]

**Textual Amendments**

- F14** S. 122A inserted (E.W.) (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s.24, (with ss. 25(2), 167(2)); S.I. 1991/2288, art. 3, **Sch.**  
S. 122A inserted (S.) (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 44, (with ss. 47(4), 167(2)); S.I. 1991/2286, art. 2(2), **Sch. 2**

**<sup>F15</sup>123 .....**

**Textual Amendments**

- F15** S. 123 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

**124 Provisions as to certain orders.**

- (1) The provisions of Parts I to VI of Schedule 9 to this Act shall have effect as follows in relation to the making, variation, revocation and validity of orders under the provisions of this Act mentioned in Parts I to VI of that Schedule, that is to say—

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- (a) Part I of that Schedule shall have effect for the purpose of conferring on the Secretary of State powers in relation to the making of orders under the provisions of this Act mentioned in that Part of the Schedule;
  - (b) Part II of that Schedule shall have effect for requiring the consent of the Secretary of State to certain orders and for making provision as to the manner of giving such consent;
  - (c) Part III of that Schedule shall have effect as to procedure in connection with certain orders;
  - (d) Part IV of that Schedule shall have effect with respect to the variation or revocation of certain orders;
  - (e) Part V of that Schedule shall have effect for requiring consultation with traffic commissioners before orders are made under section 19 or 38(1)(a) of this Act; and
  - (f) part VI of that Schedule shall have effect as to the validity of orders under sections 1, 6, 9, 19, 32, 37 and 38 of this Act and of designation orders.
- (2) Any power of the Secretary of State to make an order under or by virtue of any of the following provisions of this Act, namely sections 1, 6, 9, 14 <sup>F16</sup> 16A], 19, 29, <sup>F17</sup> . . . 32, 35, 37, 38, 45, 46, 49(2) and (4), 50, 53, 83 and 84 shall be exercisable by statutory instrument.

#### Textual Amendments

**F16** Figure in s. 124(2) inserted (3.5.1994) by 1994 c. 11, s. 3(1), **Sch. para. 2**

**F17** In s. 124(2): reference to s. 30 repealed (1.11.1991) by **New Roads and Street Works Act 1991 (c. 22, SIF 59, 108)**, s. 168(1)(2), **Sch. 8 para. 72, Sch. 9**; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

#### <sup>F18</sup>124AGLA side roads.

- (1) The Secretary of State may by order designate roads or proposed roads as roads which are to be GLA side roads.
- (2) Any road or proposed road so designated shall become a GLA side road on such date as may be specified in the order.
- (3) A road may only be a GLA side road if it has a junction with—
  - (a) a GLA road; or
  - (b) another road which has a junction with a GLA road.
- (4) A road or proposed road shall not be a GLA side road if it is a trunk road or other highway for which the Secretary of State is the highway authority.
- (5) A road may only be a GLA side road if and to the extent that the appropriate authority considers it appropriate for the road to be a GLA side road in the interests of the management of traffic and the control of the waiting and loading of vehicles on or in the immediate vicinity of GLA roads.
- (6) The Secretary of State may by order make provision for or in connection with applying in relation to GLA side roads, with such modifications as he thinks fit, the provisions of sections 14B and 14C of the <sup>M1</sup>Highways Act 1980 (orders changing what are GLA roads and certification and records of GLA roads).

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- (7) The provision that may be made under subsection (6) above is subject to subsections (3) to (5) above.
- (8) In this section “the appropriate authority” means—
- (a) in relation to an order under subsection (1) above, the Secretary of State;
  - <sup>F19</sup>(b) [ in relation to an order made under section 124B of this Act, the Mayor of London;]
  - (c) in relation to confirmation of such an order by the Secretary of State under that section as so applied, the Secretary of State.
- (9) Any reference in any provision of this Act or any other enactment to a GLA side road shall be construed as a reference to a road in Greater London which is for the time being a GLA side road by virtue of—
- (a) an order made by the Secretary of State under subsection (1) above; or
  - <sup>F20</sup>(b) [ an order made by the Greater London Authority under section 124B of this Act.]
- (10) Any functions conferred or imposed on the Greater London Authority in relation to GLA side roads shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.
- (11) Subsection (10) above does not apply in relation to any functions expressly conferred on the London Assembly.
- (12) Any power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument; and a statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F18** S. 124A inserted (12.1.2000) by 1999 c. 29, s. 272 (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2

**F19** S. 124A(8)(b) substituted (1.10.2000) by S.I. 2000/2237, art. 2(2)

**F20** S. 124A(9)(b) substituted (1.10.2000) by S.I. 2000/2237, art. 2(3)

#### Marginal Citations

**M1** 1980 c. 66.

### <sup>F21</sup>124B Orders of the Authority changing what are GLA side roads.

- (1) The Mayor of London shall keep under review the roads and proposed roads which have junctions with GLA roads or with other roads having such junctions and shall consider the extent to which such roads should be or cease to be GLA side roads.
- (2) If the Mayor of London considers it expedient—
- (a) that any road or proposed road in Greater London, other than a trunk road or other road for which the Secretary of State is the highway authority, should become a GLA side road, or
  - (b) that any GLA side road should cease to be such a road and should become a road for which the traffic authority is a London borough council or the Common Council of the City of London,

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the Greater London Authority may by order direct that that road or proposed road shall become, or (as the case may be) that that GLA side road shall cease to be, a GLA side road as from such date as may be specified in that behalf in the order.

- (3) Where an order under subsection (2) above directs that a road or proposed road shall become a GLA side road, it shall become such a road as from the date specified in that behalf in the order.
- (4) Where an order under subsection (2) above directs that a GLA side road shall cease to be such a road, then, as from the date specified in that behalf in the order, the road shall cease to be a GLA side road and the following authority, that is to say—
  - (a) where the road is situated in a London borough, the council for the London borough, and
  - (b) where the road is situated in the City of London, the Common Council of the City of London,
 shall become the traffic authority for the road.
- (5) An order under subsection (2) above shall be of no effect unless—
  - (a) it is made with the consent of the relevant traffic authority; or
  - (b) if that consent is refused, it is confirmed (with or without modification) by the Secretary of State.
- (6) For the purposes of subsection (5) above, the relevant traffic authority is—
  - (a) in the case of an order directing that a road or proposed road shall become a GLA side road, the authority that is the traffic authority for the road or proposed road; and
  - (b) in the case of an order directing that a GLA side road shall cease to be such a road, the authority that will become the traffic authority for the road in consequence of the order.
- (7) An order under subsection (2) above may vary, revoke or re-enact with or without modifications—
  - (a) any other order under that subsection (whether or not that other order was confirmed by the Secretary of State); or
  - (b) an order of the Secretary of State under section 124A(1) of this Act.
- (8) Where a GLA side road becomes a GLA road it shall cease to be a GLA side road.
- (9) In this section, notwithstanding section 142(4) of this Act, a reference to a GLA road does not include a reference to a GLA side road.]

#### **Textual Amendments**

**F21** Ss. 124B, 124C inserted (1.10.2000) by [S.I. 2000/2237](#), art. 2(4), [Sch.](#)

#### **<sup>F22</sup>124C Certification and records of GLA side roads.**

- (1) A certificate by or on behalf of Transport for London that any road or proposed road is, or is not, for the time being a GLA side road shall be evidence of the facts stated in the certificate.
- (2) A certificate under subsection (1) above may describe the road or proposed road in question by reference to a map.



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- (3) Transport for London shall prepare and maintain a record of the roads which are for the time being GLA side roads.
- (4) The record required to be prepared and maintained under subsection (3) above may consist of—
  - (a) a list;
  - (b) a map; or
  - (c) a list and a map.
- (5) Transport for London shall deposit a copy of that record with the Greater London Authority, each of the London borough councils and the Common Council of the City of London.
- (6) Transport for London, and the Greater London Authority, each of the London borough councils and the Common Council of the City of London, shall make the record, or (as the case may be) the copies of the record deposited with them, available for inspection by the public at all reasonable hours.
- (7) The record prepared and maintained by Transport for London under this section may be combined with the record which it is required to prepare and maintain under section 14C of the Highways Act 1980.

#### Textual Amendments

**F22** Ss. 124B, 124C inserted (1.10.2000) by [S.I. 2000/2237](#), art. 2(4), [Sch.](#)

#### Modifications etc. (not altering text)

**C7** S. 124C applied (E.W.) (4.10.2004 for E. and otherwise prosp.) by [Traffic Management Act 2004](#) (c. 18), [ss. 61\(7\), 99](#) (with s. 38); [S.I. 2004/2380](#), [art. 2\(e\)](#)

## 125 Boundary roads.

- (1) For the purposes of sections 6(1) and (2), 9, 73, 82(2) and 84(1) and (3) of this Act, where any part of the width of a road is in Greater London, the whole width of the road 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 provisions referred to in subsection (2) above are sections 1(2), 9, 14, 19(1), 23(1), 29(1), <sup>F23</sup> . . . 32(1), 57(1) and (2), 68, 82(2) and 84.
- (4) In this section “local authority” means the council of a county, [<sup>F24</sup>metropolitan district] London borough, parish or community or the Common Council of the City of London <sup>F25</sup> . . .
- (5) This section does not extend to Scotland.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

#### Textual Amendments

- F23** In s. 125(3): reference to s. 30(1) repealed (1.11.1991) by [New Roads and Street Works Act 1991](#) (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 73, **Sch. 9**; S.I. 1991/2288, art. 2(2), **Sch.**
- F24** Words inserted by [Local Government Act 1985](#) (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(35)**
- F25** Words in s. 125(4) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(9), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 22(3)); S.I. 1996/396, art. 3, **Sch. 1**

#### Modifications etc. (not altering text)

- C8** S. 125 applied by [Road Traffic Act 1988](#) (c. 52, SIF 107:1), **s. 19A(7)** (as inserted by [Road Traffic \(Consequential Provisions\) Act 1988](#) (c. 54, SIF 107:1), s. 4, **Sch. 2 para. 22(1)**)

### 126 Exercise of powers as respects part of width 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 125 of this Act, shall be exercisable with respect to the whole or any part of the width of the road.
- (2) The provisions referred to in subsection (1) above are sections 9, 67(3), 82, 83, 84, 88 and 92 of this Act.

### 127 Footpaths, bridleways and byways open to all traffic.

- (1) In relation to any footpath, bridleway or byway open to all traffic—
  - (a) any reference in section 2(3) or 14 of this Act to pedestrians shall be construed as including a reference to persons to whom subsection (2) below applies, and
  - (b) any reference in any provision of this Act (except this section) to traffic shall be construed as including a reference to pedestrians and to persons to whom that subsection applies.
- (2) This subsection applies to any person driving, riding or leading a horse or other animal of draught or burden.
- (3) In this section—
  - (a) “footpath” does not include a highway over which the public have a right of way on foot only which is at the side of a public road; and
  - (b) “byway open to all traffic” means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used.
- (4) For the purposes of this section a highway at the side of a river, canal or inland navigation shall not be excluded from the definition of a footpath, bridleway or byway open to all traffic by reason only that the public have a right to use the highway for purposes of navigation, if the highway would fall within that definition if the public had no such right.
- (5) This section does not extend to Scotland.

### 128 Power to hold inquiries.

Without prejudice to any other provisions of this Act, the Secretary of State may hold inquiries for the purposes of this Act.

*Status: Point in time view as at 01/04/2001.*

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## 129 General provisions as to inquiries.

- (1) Where under any of the provisions of this Act an inquiry is held by the Secretary of State—
  - (a) notice of the inquiry may be given and published in accordance with such general or special directions as the Secretary of State may give;
  - (b) the Secretary of State 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 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; and
  - (d) the Secretary of State may make such order as to the payment of the costs incurred by him in connection with the inquiry <sup>F26</sup>. . . by such party to the inquiry as he thinks fit, and may certify the amount of the costs so incurred.
- (2) Any amount certified as mentioned in subsection (1)(d) above and directed by the Secretary of State to be paid by any person shall be recoverable from that person—
  - (a) in England or Wales, either as a civil debt due to the Crown or by the Secretary of State summarily as a civil debt, or
  - (b) in Scotland, by the Secretary of State.
- (3) If a person fails without reasonable excuse to comply with any of the provisions of an order under subsection (1)(b) above, he shall be guilty of an offence.
- (4) Where [<sup>F27</sup>a] local authority are authorised or required by or under any provision of this Act to hold an inquiry for the purposes of any of their functions, any person appointed by that . . . <sup>F28</sup> authority to hold the inquiry shall have the like powers as a person appointed to hold an inquiry to which section 250 of the <sup>M2</sup>Local Government Act 1972 applies.

### Textual Amendments

**F26** Words repealed (E.W.) by [Housing and Planning Act 1986 \(c. 63, SIF 81:1, 123:1\)](#), s. 49(2), [Sch. 12 Pt. III](#) and (S.) (1.6.1996) by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\)](#), s. 53(2), [Sch. 12 Pt. IV](#); [S.I. 1996/1276](#), art. 2(b), [Sch.](#)

**F27** Word substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(36\)](#)

**F28** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), [Sch. 5 para. 4\(36\)](#), [Sch. 17](#)

### Modifications etc. (not altering text)

**C9** [S. 129\(1\)](#) applied by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(2), [Sch. 5 para. 7\(4\)](#)

**C10** [S. 129\(2\)\(3\)](#) applied by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(2), [Sch. 5 para. 7\(4\)](#)

### Marginal Citations

**M2** [1972 c. 70.\(81:1\)](#).

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

**130 Application of Act to Crown.**

- (1) Subject to the provisions of this section and section 132 of this Act, 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 provisions referred to in subsection (1) above are—
  - (a) sections 1 to 5, 9 <sup>F29</sup>[to 16C], 21 to 26, 38, 42, 45 to 51, 52 <sup>F30</sup>. . . (3), 58 to 60, 62 to 67, 69 to 71, <sup>F31</sup>[76 to 90], 99, 100, 104, 105, 125 and 126;
  - (b) except in relation to vehicles and persons in the armed forces of the Crown when on duty, sections 6 to 8; and
  - <sup>F32</sup>(c) . . . . .
- (3) 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 Secretary of State may by regulations vary 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.
- <sup>F32</sup>(4) . . . . .

**Textual Amendments**

**F29** Words in s. 130(2)(a) substituted (3.5.1994) by 1994 c. 11, s. 3(1), **Sch. para. 3**

**F30** Words in s. 130(2)(a) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), **Sch.**

**F31** Words in s. 130(2)(a) substituted (1.11.1991) by **New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), Sch. 8 para. 74**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

**F32** S. 130(2)(c)(4)(5) repealed by **Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, Sch. 4 paras. 1–3**

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**Modifications etc. (not altering text)**

**C11** S. 130(3) applied (with modifications) by S.I. 1999/1736, **art. 8(3)**

**131 Application of road traffic enactments to Crown roads.**

- (1) The Secretary of State may, with the consent of the appropriate Crown authority or authorities concerned, by order direct that, subject to subsection (3) below and to such exceptions, adaptations and modifications appearing to him to be necessary or expedient as may be specified in the order, all or any of the road traffic enactments shall apply to all Crown roads, or to any specified Crown road or Crown roads, or to Crown roads of a specified class, as they apply in relation to other roads to which the public has access.
- (2) Without prejudice to the generality of subsection (1) above, but subject to subsection (3) below, any order under subsection (1) above with respect to any of the road traffic enactments may in particular include provision—
  - (a) for enabling functions with respect to a road exercisable under the enactment in question by the local authority or the <sup>F33</sup>[local traffic authority] to be exercised with respect to a Crown road by the appropriate Crown authority or by a particular local authority or <sup>F33</sup>[local traffic authority];

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*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

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- (b) for enabling power to make an order, regulation or scheme under the enactment in question with respect to a Crown road, which would otherwise be exercisable by a local authority or [<sup>F33</sup>local traffic authority], to be exercised instead by the Secretary of State, and for requiring the consent of the Secretary of State to the variation or revocation by any other authority of such an order, regulation or scheme made by him;
  - (c) for a certificate of the appropriate Crown authority or of the Secretary of State that the authority or Secretary of State has, or has not, consented to the doing of anything for which under the order or under this section the consent of the authority or (as the case may be) of the Secretary of State is required to be evidence (and, in Scotland, sufficient evidence) of the facts stated;
  - (d) for exempting from any provision of the enactment in question persons and vehicles on a Crown road in the service of the Crown or of an agent of the Crown.
- (3) No order, regulation or scheme in relation to a Crown road shall be made, varied or revoked under any of the road traffic enactments by virtue of an order under subsection (1) above except by, or with the consent of, the appropriate Crown authority.
- (4) With a view to the avoidance of doubt, the road traffic enactments specified in an order under subsection (1) above may include any provision of those enactments notwithstanding that it would have applied in relation to Crown roads apart from the making of the order; and inclusion in the order of a provision which would so have applied shall not prejudice anything done under that provision in relation to a Crown road before the coming into operation of the order.
- (5) Any power to make an order under subsection (1) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Subsection (1) above shall have effect without prejudice to the provisions of section 132 of this Act in relation to certain Crown roads; and nothing in this section shall prejudice any enactment (in addition to this section and that section) which relates to Crown roads.
- (7) In this section and in section 132 of this Act—
- (a) “appropriate Crown authority”, in relation to a Crown road—
    - (i) in the case of a road on land belonging to Her Majesty in right of the Crown, means the Crown Estate Commissioners or other government department having the management of that land;
    - (ii) in the case of a road on land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;
    - (iii) in the case of a road on land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints;
    - (iv) in the case of a road on land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department;
- and if any question arises under this paragraph as to what authority is the appropriate Crown authority in relation to any Crown road, that question shall be referred to the Treasury, whose decision shall be final;

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

- (b) “Crown road” means a road, other than [<sup>F34</sup>a highway or, in Scotland a public road], to which the public has access by permission granted by the appropriate Crown authority or otherwise granted by or on behalf of the Crown; and
- (c) “road traffic enactments” means enactments (whether passed before or after or contemporaneously with or contained in this Act) relating to road traffic, including the lighting and parking of vehicles, and any order or other instrument having effect by virtue of any such enactment.

**Textual Amendments**

- F33** Words in s. 131(2)(a)(b) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 75\(2\)](#); which substitution is in force for Scotland only by [S.I. 1991/2286, art. 2\(2\), Sch.2](#) and for England and Wales only by [S.I. 1991/2288, art. 3](#),Sch.
- F34** Words in s. 131(7)(b) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 75\(3\)](#); which substitution is in force for Scotland only by [S.I. 1991/2286, art. 2\(2\), Sch.2](#) and for England and Wales only by [S.I. 1991/2288, art. 3](#),Sch.

**132 Special provisions as to certain Crown roads.**

- (1) In the following provisions of this section, references to a Crown road are references to a Crown road of a description mentioned in subsection (1)(a) or (b) of section 22 of this Act.
- (2) Subject to the following provisions of this section, section 1 of this Act, as applied for the purposes set out in section 22(2) of this Act, shall have effect so as to authorise the making of a traffic regulation order as respects any Crown road, and an order (hereafter in this section also referred to as a “traffic regulation order”) may be made under section 22(3) as respects any Crown road.
- (3) The consent of the appropriate Crown authority must be given before a traffic regulation order is made by virtue of subsection (2) above as respects a Crown road.
- (4) A traffic regulation order made by virtue of subsection (2) above as respects a Crown road shall not apply to vehicles or persons in the public service of the Crown except so far as is expressly provided in the order, and the inclusion of any such express provision in an order not made by the Secretary of State shall require his approval.
- (5) If a traffic regulation order is or is to be made by virtue of subsection (2) above as respects a Crown road, [<sup>F35</sup>the traffic authority] may, after consultation with the appropriate Crown authority, place and maintain, or cause to be placed and maintained, such traffic signs of any type prescribed, or authorised, under section 64 of this Act as [<sup>F36</sup>the traffic authority may] consider necessary in connection with the order.

The powers conferred by this subsection shall be exercisable subject to and in conformity with any general directions given under section 65(1) of this Act, [<sup>F37</sup>and any other power conferred by section 65 to give directions to a local traffic authority includes power to give the like directions to them as respects the Crown road] , but after consultation with the appropriate Crown authority.

<sup>F38</sup>(6) .....

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

#### Textual Amendments

- F35** Words in s. 132(5) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 para. 76\(2\)\(a\)](#); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), [Sch.2](#) and for England and Wales only by S.I. 1991/2288, [art. 3](#),Sch.
- F36** Words in s. 132(5) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 para. 76\(2\)\(b\)](#); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), [Sch.2](#) and for England and Wales only by S.I. 1991/2288, [art. 3](#),Sch.
- F37** Words in s. 132(5) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 para. 76\(2\)\(c\)](#); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), [Sch.2](#) and for England and Wales only by S.I. 1991/2288, [art. 3](#),Sch.
- F38** S. 132(6) repealed (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\)\(2\), Sch. 8 para. 76\(3\), Sch.9](#); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), [Sch.2](#) and for England and Wales only by S.I. 1991/2288, [art. 3](#),Sch.

<sup>F39</sup> 132A.....

#### Textual Amendments

- F39** S. 132A repealed (1.11.1991) by [Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(2\), Sch.9; S.I. 1991/2286, art. 2\(2\), Sch.2](#)

[<sup>F40</sup> 132A **Royal Parks or highways in London affected by proposals relating to the other.**

- (1) The Secretary of State shall not exercise any of his functions in relation to the management of roads or traffic in a Royal Park in such a way as to affect a highway in Greater London unless he has consulted—
  - (a) the traffic authority for the highway, and
  - (b) Transport for London,about the exercise of those functions in that way.
- (2) The duty imposed by subsection (1) above shall not apply if it would not be reasonably practicable for the Secretary of State to consult the traffic authority or Transport for London before exercising functions; but, in such a case, as soon as practicable after so exercising functions the Secretary of State shall inform the traffic authority and Transport for London that those functions have been so exercised.
- (3) A traffic authority shall not exercise any of its functions in relation to a highway in Greater London in such a way as to affect a Royal Park unless it has consulted the Secretary of State about the exercise of those functions in that way.
- (4) The duty imposed by subsection (3) above shall not apply if it would not be reasonably practicable for the traffic authority to consult the Secretary of State before exercising functions; but, in such a case, as soon as practicable after so exercising functions the highway authority shall inform the Secretary of State that those functions have been so exercised.
- (5) In this section “Royal Park” means any park to which the <sup>M3</sup>Parks Regulation Act 1872 applies (see sections 1 and 3 of the <sup>M4</sup>Parks Regulation (Amendment) Act 1926).]

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

#### Textual Amendments

**F40** S. 132AA inserted (3.7.2000) by 1999 c. 29, s. 293 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch.

#### Marginal Citations

**M3** 1872 c. 15.

**M4** 1926 c. 36.

### 133 Vehicles used for marine salvage.

- (1) Subsection (3) of section 130 of this Act shall have effect in relation to motor vehicles used for salvage purposes pursuant to [<sup>F41</sup>Part IX of the Merchant Shipping Act 1995] as it has effect in relation to vehicles used for naval, military or air force purposes while being driven as mentioned in that subsection.
- (2) In this section “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.

#### Textual Amendments

**F41** Words in s. 133(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), Sch. 13 para. 71 (with s. 312(1))

### 134 Provisions as to regulations. **E+W**

- (1) Any power conferred by this Act on the Secretary of State, or on the Ministers acting jointly, to make regulations shall be exercisable by statutory instrument.
- (2) Before making any regulations under any provision of this Act except sections [<sup>F42</sup>82(1)(b),] 103(1), 104, 108 to 110, Schedule 4, Schedule 8 and Schedule 12, the Secretary of State, or the Ministers acting jointly as the case may be, shall consult with such representative organisations as he or they think fit.
- (3) A statutory instrument whereby any such power as is mentioned in subsection (1) above is exercised (other than the power conferred by sections 86, 97 or 140 of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Regulations made under section 86 or section 140 of this Act shall not have effect unless approved by a resolution of each House of Parliament.
- (5) No regulations shall be made under section 97 of this Act unless a draft has been laid before Parliament and has been approved by a resolution of each House of Parliament.

#### Extent Information

**E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only



*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

#### Textual Amendments

- F42** Words in s. 134(2) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 para.77](#); which substitution is in force for England and Wales only by S.I. 1991/2288, [art. 3, Sch.](#)

### 134 Provisions as to regulations. **S**

- (1) Any power conferred by this Act on the Secretary of State, or on the Ministers acting jointly, to make regulations shall be exercisable by statutory instrument.
- (2) Before making any regulations under any provision of this Act except sections [<sup>F64</sup>82(1)(b),] 103(1), 104, 108 to 110, Schedule 4, Schedule 8 and Schedule 12, the Secretary of State, or the Ministers acting jointly as the case may be, shall consult with such representative organisations as he or they think fit.
- (3) A statutory instrument whereby any such power as is mentioned in subsection (1) above is exercised (other than the power conferred by sections 86, 97 or 140 of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Regulations made under section 86 [<sup>F65</sup>, 132A or] 140 of this Act shall not have effect unless approved by a resolution of each House of Parliament.
- (5) No regulations shall be made under section 97 of this Act unless a draft has been laid before Parliament and has been approved by a resolution of each House of Parliament.

#### Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F64** Words in s. 134(2) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 para.77](#); which substitution is in force for Scotland only by S.I. 1991/2286, [art. 2\(2\), Sch.2](#).
- F65** Words in s. 134(4) substituted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 128\(1\), Sch. 9 para. 93\(43\)](#)

#### Modifications etc. (not altering text)

- C15** S. 132(1) modified (4.10.1999) by [S.S.I. 1999/59, art. 5\(1\), Sch. 3 Pt. I](#)

### 135 Application of Act to Isles of Scilly.

- (1) The Secretary of State may, after consultation with the Council of the Isles of Scilly, by order made by statutory instrument 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 district.
- (2) Subsection (1) above shall have effect without prejudice to the operation of section 265 of the <sup>M5</sup>Local Government Act 1972 (which relates to the application of that Act to the Isles of Scilly) or of any order made under that section.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

#### Modifications etc. (not altering text)

C12 S. 135 applied by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, Sch. 4 para. 5(2)

#### Marginal Citations

M5 1972 c. 70(81:1).

### 136 Meaning of “motor vehicle” and other expressions relating to vehicles. **E+W**

- (1) In this Act, subject to section 20 of the <sup>M6</sup>Chronically Sick and Disabled Persons Act 1970 (which makes special provision with respect to invalid carriages), “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, and “trailer” means a vehicle drawn by a motor vehicle.
- (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 of which the weight unladen—
  - (a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than 7 passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Secretary of State, does not exceed 3050 kilograms;
  - (b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms (or 3500 kilograms if the vehicle carries a container or containers for holding, for the purposes of its propulsion, any fuel which is wholly gaseous at 17·5 degrees Celsius under a pressure of 1·013 bar or plant and materials for producing such fuel); or
  - (c) in a case falling within neither of the foregoing paragraphs, does not exceed 2540 kilograms.
- (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 of which the weight unladen exceeds 2540 kilograms.
- (4) In this Act (except for the purposes of [<sup>F43</sup>sections 57 and 63]) “motor cycle” means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilograms.
- (5) In this Act “invalid carriage” means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical default 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 excepted articles, and of which the weight unladen does not exceed 7370 kilograms.
- (7) In this Act “light locomotive” and “heavy locomotive” mean a mechanically propelled vehicle which is not constructed itself to carry a load, other than excepted articles, and of which the weight unladen—
  - (a) in the case of a light locomotive, exceeds 7370 but does not exceed 11690 kilograms, and
  - (b) in the case of a heavy locomotive, exceeds 11690 kilograms.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

- (8) In subsections (6) and (7) above “excepted articles” means any of the following, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment.

#### Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F43** Words in s. 136(4) substituted (1.2.2001) by 2000 c. 38, s. 271(3); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II)

#### Marginal Citations

- M6** 1970 c. 44(81:3).

### 136 Meaning of “motor vehicle” and other expressions relating to vehicles. **S**

- (1) In this Act, subject to section 20 of the <sup>M13</sup>Chronically Sick and Disabled Persons Act 1970 (which makes special provision with respect to invalid carriages), “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, and “trailer” means a vehicle drawn by a motor vehicle.
- (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 of which the weight unladen—
- if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than 7 passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Secretary of State, does not exceed 3050 kilograms;
  - if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms (or 3500 kilograms if the vehicle carries a container or containers for holding, for the purposes of its propulsion, any fuel which is wholly gaseous at 17·5 degrees Celsius under a pressure of 1·013 bar or plant and materials for producing such fuel); or
  - in a case falling within neither of the foregoing paragraphs, does not exceed 2540 kilograms.
- (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 of which the weight unladen exceeds 2540 kilograms.
- (4) In this Act (except for the purposes of <sup>F66</sup>sections 57 and 63]) “motor cycle” means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilograms.
- (5) In this Act “invalid carriage” means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical default or disability and is used solely by such a person.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

- (6) In this Act “motor tractor” means a mechanically propelled vehicle which is not constructed itself to carry a load, other than excepted articles, and of which the weight unladen does not exceed 7370 kilograms.
- (7) In this Act “light locomotive” and “heavy locomotive” mean a mechanically propelled vehicle which is not constructed itself to carry a load, other than excepted articles, and of which the weight unladen—
- (a) in the case of a light locomotive, exceeds 7370 but does not exceed 11690 kilograms, and
  - (b) in the case of a heavy locomotive, exceeds 11690 kilograms.
- (8) In subsections (6) and (7) above “excepted articles” means any of the following, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment.

#### Extent Information

- E4** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F66** Words in s. 136(4) substituted (1.4.2001) by [2001 asp 2, s. 78\(3\)](#) (with s. 66); [S.I. 2001/132, art. 2\(2\)](#), [Sch. Pt. I](#) (subject to transitional provisions in [arts. 3, 4](#))

#### Marginal Citations

- M13** [1970 c. 44\(81:3\)](#).

### 137 Supplementary provisions relating to s. 136.

- (1) A sidecar attached to a motor vehicle shall, if it complies with such conditions as may be specified in regulations made by the Secretary of State, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.
- (2) For the purposes of section 136 of this Act, in a case where a motor vehicle is so constructed that a trailer may by partial superimposition 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.
- (3) For the purposes of that 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.
- (4) The Secretary of State may by regulations vary any of the maximum or minimum weights specified in section 136 of this Act; and such regulations may have effect—
  - (a) either generally or in the case of vehicles of any class specified in the regulations, and
  - (b) either for the purposes of this Act and of all regulations made under it or for such of those purposes as may be so specified.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

- (5) Nothing in section 86 of this Act shall be construed as limiting the powers conferred by subsection (4) above.

### **138 Meaning of “heavy commercial vehicle”.**

- (1) Subject to subsections (4) to (7) below, in this Act “heavy commercial vehicle” means any goods vehicle which has an operating weight exceeding 7.5 tonnes.
- (2) 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.
- (3) 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” means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description, or a trailer so constructed or adapted;
  - “trailer” means any vehicle other than a motor vehicle;
- 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 [F44 section 41 of the Road Traffic Act 1988] (construction and use regulations).
- (4) The Secretary of State may by regulations amend subsections (1) and (2) 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 (1) 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.
- (5) Different regulations may be made under subsection (4) above for the purposes 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.
- (6) Regulations made under subsection (4) above shall not so amend subsection (1) above that there is any case in which a goods vehicle whose operating weight (ascertained in accordance with subsection (2) above as originally enacted) does not exceed 7.5 tonnes is a heavy commercial vehicle for any of the purposes of this Act.

F45(7) .....

F45(8) .....

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

#### Textual Amendments

- F44** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 3 para. 25(8)**
- F45** S. 138(7)(8) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt.XV** Gp. 1.

### 139 Hovercraft.

- (1) For the purposes of this Act, a hovercraft—
- (a) shall be a motor vehicle, whether or not it is intended or adapted 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 (7) of section 136 of this Act.
- (2) The Secretary of State may by regulations provide—
- (a) that any provision of this Act, which would otherwise apply to hovercraft, 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 hovercraft, shall apply to them subject to such modifications (if any) as may be so specified.
- (3) In this section “hovercraft” has the same meaning as in the <sup>M7</sup>Hovercraft Act 1968.

#### Marginal Citations

- M7** [1968 c. 59\(111\)](#).

### 140 Certain vehicles not to be treated as motor vehicles.

- (1) For the purposes of this Act—
- (a) a mechanically propelled vehicle which is an implement for cutting grass, is controlled by a pedestrian and is not capable of being used or adapted for any other purpose;
  - (b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Secretary of State for the purposes of this section and of [<sup>F46</sup>section 189 of the Road Traffic Act 1988]; and
  - (c) an electrically assisted pedal cycle of such class as may be prescribed by regulations so made,
- shall be treated as not being a motor vehicle.
- (2) In this section “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.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

**Textual Amendments**

**F46** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 3 para. 25\(9\)](#)

<sup>F47</sup> **141** .....

**Textual Amendments**

**F47** S. 141 repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch.8](#); S.I. 1992/1286, [art. 2](#), Sch.

<sup>F48</sup> **141A Tramcars and trolley vehicles: regulations.**

- (1) The Secretary of State may by regulations provide that such of the provisions mentioned in subsection (2) below as are specified in the regulations shall not apply, or shall apply with modifications—
  - (a) to all tramcars or to tramcars of any specified class, or
  - (b) to all trolley vehicles or to trolley vehicles of any specified class.
- (2) The provisions referred to in subsection (1) above are the provisions of sections 1 to 14 [<sup>F49</sup> 16A to 16C], 18 and 81 to 89 of this Act.
- (3) Regulations under this section—
  - (a) may make different provision for different cases,
  - (b) may include such transitional provisions as appear to the Secretary of State to be necessary or expedient, and
  - (c) may make such amendments to any special Act as appear to the Secretary of State to be necessary or expedient in consequence of the regulations or in consequence of the application to any tramcars or trolley vehicles of any of the provisions mentioned in subsection (2) above.
- (4) In this section—

“special Act” means a local Act of Parliament passed before the commencement of this section which authorises or regulates the use of tramcars or trolley vehicles;

“tramcar” includes any carriage used on any road by virtue of an order under the Light Railways Act 1896; and

“trolley vehicle” means a mechanically propelled vehicle adapted for use on roads without rails under power transmitted to it from some external source (whether or not there is in addition a source of power on board the vehicle).

**Textual Amendments**

**F48** S. 141A inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. [46\(1\)](#); S.I. 1992/1286, [art. 2](#), [Sch.](#)

**F49** Words in s. 141A(2) inserted (3.5.1994) by [1994 c. 11, s. 3\(1\)](#), [Sch. para. 4](#)

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*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

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## 142 General interpretation of Act.

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

“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;

[<sup>F50</sup>“credit card” and “debit card” have the meanings given by section 35A(6) of this Act;]

“designation order” means an order under section 45 of this Act (including any order so made by virtue of section 50(1) of this Act) and “designated parking place” means a parking place designated by a designation order;

“disabled person’s badge” means any badge issued, or having effect as if issued, under any regulations for the time being in force under section 21 of the <sup>M8</sup>Chronically Sick and Disabled Persons Act 1970;

“disabled person’s vehicle” means a vehicle lawfully displaying a disabled person’s badge;

“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” and “driving” shall be construed accordingly;

“excess charge” has the meaning assigned to it by section 46(1) of this Act;

“experimental traffic order” has the meaning assigned to it by section 9(1) of this Act;

except in section 71(2) of this Act, “footpath” means a way over which the public has a right of way on foot only;

[<sup>F51</sup>“GLA road” (subject to subsection (4) below) has the same meaning as in the <sup>M9</sup>Highways Act 1980 (see sections 329(1) and 14D(1) of that Act);]

[<sup>F51</sup>“GLA side road” shall be construed in accordance with section 124A(9) of this Act;]

<sup>F52</sup>  
...

“initial charge” has the meaning assigned to it by section 46(1) of this Act;

<sup>F52</sup>  
...

<sup>F52</sup>  
...

“magistrates’ court” [<sup>F53</sup>has the same meaning] as in the <sup>M10</sup>Magistrates’ Courts Act 1980;

“the Ministers” means the Secretaries of State charged with general responsibility under this Act in relation to England, Wales and Scotland respectively;

subject to section 111(3) and (4) of, and paragraph 11(2) and (3) of Schedule 12 to, this Act, “owner”, in relation to a vehicle which is subject to a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

[<sup>F54</sup> “off-street parking accommodation” means parking accommodation for motor vehicles off the highway or, in Scotland, off the road;]

“parking device” has the meaning assigned to it by [<sup>F55</sup>section 35(3B) or, as the case may be,] section 51(4) of this Act;



*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

“parking meter” has the meaning assigned to it by section 46(2)(a) of this Act;

“prescribed” means prescribed by regulations made by the Secretary of State;

[<sup>F56</sup>“public road” has the same meaning as in the Roads (Scotland) Act 1984;]

“public service vehicle” [<sup>F57</sup>has the same meaning] as in the <sup>M11</sup>Public Passenger Vehicles Act 1981;

[<sup>F58</sup> “road”—

(a) in England and Wales, means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes, and

(b) in Scotland, has the same meaning as in the Roads (Scotland) Act 1984;]

<sup>F52</sup> . . .

[<sup>F59</sup> “special road”, in England and Wales, has the same meaning as in the Highways Act 1980, and in Scotland has the same meaning as in the Roads (Scotland) Act 1984;]

“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;

[<sup>F60</sup>“traffic authority” and “local traffic authority” have the meaning given by section 121A of this Act;]

“traffic sign” has the meaning assigned to it by section 64(1) of this Act; and

“traffic regulation order” has the meaning assigned to it by section 1 of this Act.

[<sup>F51</sup>“trunk road” has the same meaning as in the <sup>M12</sup>Highways Act 1980 (see section 329(1) of that Act)]

[<sup>F61</sup>(1A) In this Act—

- (a) any reference to a county shall be construed in relation to Wales as including a reference to a county borough;
- (b) any reference to a county council shall be construed in relation to Wales as including a reference to a county borough council; and
- (c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.]

(2) Any reference in this Act to a tricycle shall be construed as including a reference to a cycle which is not a motor vehicle and has 4 or more wheels.

(3) References in this Act to a class of vehicles or traffic (other than the references in section 17) shall be construed as references to a class defined or described by reference to any characteristics of the vehicles or traffic or to any other circumstances whatsoever.

[<sup>F62</sup>(4) Any reference in this Act to a GLA road includes a reference to a GLA side road.]

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

### Textual Amendments

- F50** Definition inserted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), s. 4, [Sch. para. 8\(a\)](#)
- F51** S. 142(1): definitions of "GLA road", "GLA sideroad" and "trunk road" in s. 142(1) inserted (3.7.2000) by [1999 c. 29, s. 292\(3\)](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/801, [art. 2](#), [Sch.](#)
- F52** S. 142(1): definition of "highway authority", "local highway authority", "local roads authority" and "roads authority" omitted (1.11.1991) by virtue of [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 78\(2\)](#); which is in force for Scotland only by S.I. 1991/2286, [art. 2\(2\)](#), [Sch. 2](#) and for England and Wales only by S.I. 1991/2288, [art. 3](#), [Sch.](#)
- F53** Words in the definition of "magistrates' court" in s. 142(1) substituted (27.9.1999) by [1999 c. 22, ss. 76\(2\), 108\(3\)\(c\)](#), [Sch. 10 para. 38](#) (with s. 107, [Sch. 14 para. 7\(2\)](#))
- F54** S. 142(1): definition of "off-street parking accommodation" inserted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 78\(3\)](#); which insertion is in force for Scotland only by S.I. 1991/2286, [art. 2\(2\)](#), [Sch. 2](#) and for England and Wales only by S.I. 1991/2288, [art. 3](#), [Sch.](#)
- F55** S. 142(1): definition inserted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), s. 4, [Sch. para. 8\(b\)](#)
- F56** S. 142(1): definition inserted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 128(1), [Sch. 9 para. 93\(4\)\(c\)](#)
- F57** S. 142(1): words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), [Sch. 1 para. 15\(4\)](#)
- F58** S. 142(1): definition of "road" substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 78\(4\)](#); which substitution is in force for Scotland only by S.I. 1991/2286, [art. 2\(2\)](#), [Sch. 2](#) and for England and Wales only by S.I. 1991/2288, [art. 3](#), [Sch.](#)
- F59** S. 142(1): definition of "special road" substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 78\(5\)](#); which substitution is in force for Scotland only by S.I. 1991/2286, [art. 2\(2\)](#), [Sch. 2](#) and for England and Wales only by S.I. 1991/2288, [art. 3](#), [Sch.](#)
- F60** S. 142(1): definition of "traffic authority" and "local traffic authority" inserted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 78\(6\)](#); which insertion is in force for Scotland only by S.I. 1991/2286, [art. 2\(2\)](#), [Sch. 2](#) and for England and Wales only by S.I. 1991/2288, [art. 3](#), [Sch.](#)
- F61** S. 142(1A) inserted (1.4.1996) by [1994 c. 19, s. 22\(1\)](#), [Sch. 7 Pt. II para. 38\(10\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 22\(3\)](#)); S.I. 1996/396, [art. 3](#), [Sch. 1](#)
- F62** S. 142(4) added (3.7.2000) by [1999 c. 29, s. 292\(4\)](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/801, [art. 2](#), [Sch.](#)

### Modifications etc. (not altering text)

- C13** S. 142(1) definition of "disabled person's badge" applied (5.7.1993) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 70\(3\)](#); S.I. 1993/1461, [art. 2\(d\)](#)

### Marginal Citations

- M8** [1970 c. 44\(81:3\)](#).
- M9** [1980 c. 66](#).
- M10** [1980 c. 43\(82\)](#).
- M11** [1981 c. 14\(107:1\)](#).
- M12** [1980 c. 66](#).

## 143 Saving for law of nuisance.

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

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

- (2) In this section, in its application to England and Wales, “nuisance” means a public or a private nuisance.

#### **144 Transitional provisions and savings.**

- (1) The transitional provisions and savings in Schedule 10 to this Act shall have effect.
- (2) The enactment in this Act of the provisions specified in the first column of Schedule 11 to this Act (being re-enactments, with or without modifications, of provisions contained in the instruments specified in the corresponding entries in the second column of that Schedule, which were instruments made in the exercise of powers conferred by Acts of Parliament) shall be without prejudice to the validity of those re-enacted provisions; and any question as to their validity shall be determined as if the re-enacted provisions were contained in instruments made in the exercise of those powers.

#### **145 Commencement and temporary provisions.**

- (1) Subject to subsection (2) below, this Act shall come into force at the end of three months beginning with the date on which it is passed.
- (2) ..... <sup>F63</sup>
- (3) An order under subsection (2) above may contain such transitional provisions and savings (whether or not involving the modification of any statutory provision) as appear to the Secretary of State necessary or expedient in connection with the provisions brought (wholly or partly) into force by the order.
- (4) An order under subsection (2) above shall be made by statutory instrument.
- (5) The temporary provisions as to fixed penalties in Schedule 12 to this Act shall have effect.

##### **Textual Amendments**

**F63** Words repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, Sch. 1 Pt. I, [Sch. 4 paras. 1–3](#)

##### **Modifications etc. (not altering text)**

**C14** Power of appointment conferred by s. 145(2) partly exercised: [S.I. 1986/1147](#)

#### **146 Amendments and repeals.**

Subject to sections 144 and 145 of this Act—

- (a) the Acts specified in Schedule 13 to this Act shall have effect subject to the amendments specified in that Schedule; and
- (b) the Acts specified in Schedule 14 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

#### **147 Short title and extent.**

- (1) This Act may be cited as the Road Traffic Regulation Act 1984.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X. (See end of Document for details)*

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(2) This Act shall not extend to Northern Ireland.

**Status:**

Point in time view as at 01/04/2001.

**Changes to legislation:**

There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part X.