Road Traffic Act 1988

1988 CHAPTER 52

An Act to consolidate certain enactments relating to road traffic with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission. [15th November 1988]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Modifications etc. (not altering text)
C1 Pt. I modified (E.W.S.) (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

Driving offences

[F1 1 Causing death by dangerous driving.

A person who causes the death of another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.**]**

Textual Amendments
F1 Ss. 1-2A substituted (1.7.1992) for ss. 1-2 by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.1**; S.I. 1992/1286, **art. 2**,Sch.

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F2 2 Dangerous driving.

A person who drives a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.]

Textual Amendments

F2 Ss. 1- 2A substituted (1.7.1992) for ss. 1-2 by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.1**; S.I. 1992/1286, **art. 2**,Sch.

[F3 2A Meaning of dangerous driving.

(1) For the purposes of sections 1 and 2 above a person is to be regarded as driving dangerously if (and, subject to subsection (2) below, only if)—

(a) the way he drives falls far below what would be expected of a competent and careful driver, and

(b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

(2) A person is also to be regarded as driving dangerously for the purposes of sections 1 and 2 above if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.

(3) In subsections (1) and (2) above "dangerous" refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) In determining for the purposes of subsection (2) above the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.]

Textual Amendments

F3 Ss. 1-2A substituted (1.7.1992) for ss. 1-2 by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.1**; S.I. 1992/1286, **art. 2**,Sch.

VALID FROM 18/08/2008

[F4 2B Causing death by careless, or inconsiderate, driving

A person who causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.]

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Textual Amendments

F4 S. 2B inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 20(1)**, 61(1) (with s. 61(4)(5)); S.I. 2008/1918, **art. 2**

[F5 3 Careless, and inconsiderate, driving.

If a person drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence.**]**

Textual Amendments

F5 S. 3 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 2**; S.I. 1992/1286, **art. 2**,Sch.

VALID FROM 24/09/2007

[F6 3ZA Meaning of careless, or inconsiderate, driving

(1) This section has effect for the purposes of sections 2B and 3 above and section 3A below.

(2) A person is to be regarded as driving without due care and attention if (and only if) the way he drives falls below what would be expected of a competent and careful driver.

(3) In determining for the purposes of subsection (2) above what would be expected of a careful and competent driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) A person is to be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving.**]**

Textual Amendments

F6 S. 3ZA inserted (24.9.2007 for certain purposes and otherwise 18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 30**, 61; S.I. 2007/2472, **art. 2(h)**; S.I. 2008/1918, **art. 2**

VALID FROM 18/08/2008

[F7 3ZB Causing death by driving: unlicensed, disqualified or uninsured drivers

A person is guilty of an offence under this section if he causes the death of another person by driving a motor vehicle on a road and, at the time when he is driving, the circumstances are such that he is committing an offence under—

(a) section 87(1) of this Act (driving otherwise than in accordance with a licence),

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(b) section 103(1)(b) of this Act (driving while disqualified), or

(c) section 143 of this Act (using motor vehicle while uninsured or unsecured against third party risks).**]**

Textual Amendments

F7 S. 3ZB inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 21(1)**, 61(1) (with s. 61(4)(5)); S.I. 2008/1918, **art. 2**

[F8 3A Causing death by careless driving when under influence of drink or drugs.

(1) If a person causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, and—

(a) he is, at the time when he is driving, unfit to drive through drink or drugs, or

(b) he has consumed so much alcohol that the proportion of it in his breath, blood or urine at that time exceeds the prescribed limit, or

(c) he is, within 18 hours after that time, required to provide a specimen in pursuance of section 7 of this Act, but without reasonable excuse fails to provide it,

he is guilty of an offence.

(2) For the purposes of this section a person shall be taken to be unfit to drive at any time when his ability to drive properly is impaired.

(3) Subsection (1)(b) and (c) above shall not apply in relation to a person driving a mechanically propelled vehicle other than a motor vehicle.**]**

Textual Amendments

F8 S. 3A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.3**; S.I. 1992/1286, art. 2, **Sch.**

Motor vehicles: drink and drugs

4 Driving, or being in charge, when under influence of drink or drugs.

(1) A person who, when driving or attempting to drive a **[**F9 mechanically propelled vehicle**]** on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.

(2) Without prejudice to subsection (1) above, a person who, when in charge of a **[**F9 mechanically propelled vehicle**]** which is on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.

(3) For the purposes of subsection (2) above, a person shall be deemed not to have been in charge of a **[**F9 mechanically propelled vehicle**]** if he proves that at the material time the circumstances were such that there was no likelihood of his driving it so long as he remained unfit to drive through drink or drugs.

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(4) The court may, in determining whether there was such a likelihood as is mentioned in subsection (3) above, disregard any injury to him and any damage to the vehicle.

(5) For the purposes of this section, a person shall be taken to be unfit to drive if his ability to drive properly is for the time being impaired.

(6) A constable may arrest a person without warrant if he has reasonable cause to suspect that that person is or has been committing an offence under this section.

(7) For the purpose of arresting a person under the power conferred by subsection (6) above, a constable may enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.

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

Textual Amendments

F9 Words in s. 4(1)(2)(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 4**; S.I. 1992/1286, art. 2, **Sch.**

5 Driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit.

(1) If a person—

(a) drives or attempts to drive a motor vehicle on a road or other public place, or

(b) is in charge of a motor vehicle on a road or other public place,

after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit he is guilty of an offence.

(2) It is a defence for a person charged with an offence under subsection (1)(b) above to prove that at the time he is alleged to have committed the offence the circumstances were such that there was no likelihood of his driving the vehicle whilst the proportion of alcohol in his breath, blood or urine remained likely to exceed the prescribed limit.

(3) The court may, in determining whether there was such a likelihood as is mentioned in subsection (2) above, disregard any injury to him and any damage to the vehicle.

[F10 6 Power to administer preliminary tests

(1) If any of subsections (2) to (5) applies a constable may require a person to co-operate with any one or more preliminary tests administered to the person by that constable or another constable.

(2) This subsection applies if a constable reasonably suspects that the person—

(a) is driving, is attempting to drive or is in charge of a motor vehicle on a road or other public place, and

(b) has alcohol or a drug in his body or is under the influence of a drug.

(3) This subsection applies if a constable reasonably suspects that the person—

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(a) has been driving, attempting to drive or in charge of a motor vehicle on a road or other public place while having alcohol or a drug in his body or while unfit to drive because of a drug, and

(b) still has alcohol or a drug in his body or is still under the influence of a drug.

(4) This subsection applies if a constable reasonably suspects that the person—

(a) is or has been driving, attempting to drive or in charge of a motor vehicle on a road or other public place, and

(b) has committed a traffic offence while the vehicle was in motion.

(5) This subsection applies if—

(a) an accident occurs owing to the presence of a motor vehicle on a road or other public place, and

(b) a constable reasonably believes that the person was driving, attempting to drive or in charge of the vehicle at the time of the accident.

(6) A person commits an offence if without reasonable excuse he fails to co-operate with a preliminary test in pursuance of a requirement imposed under this section.

(7) A constable may administer a preliminary test by virtue of any of subsections (2) to (4) only if he is in uniform.

(8) In this section—

(a) a reference to a preliminary test is to any of the tests described in sections 6A to 6C, and

(b) "traffic offence" means an offence under—

(i) a provision of Part II of the Public Passenger Vehicles Act 1981 (c. 14),

(ii) a provision of the Road Traffic Regulation Act 1984 (c. 27),

(iii) a provision of the Road Traffic Offenders Act 1988 (c. 53) other than a provision of Part III, or

(iv) a provision of this Act other than a provision of Part V.**]**

Textual Amendments

F10 Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 120, **Sch. 7 para. 1**; S.I. 2004/827, **art. 2**, **3**

Modifications etc. (not altering text)

C2 S. 6 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

[F11 6A Preliminary breath test

(1) A preliminary breath test is a procedure whereby the person to whom the test is administered provides a specimen of breath to be used for the purpose of obtaining, by means of a device of a type approved by the Secretary of State, an indication whether the proportion of alcohol in the person's breath or blood is likely to exceed the prescribed limit.

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(2) A preliminary breath test administered in reliance on section 6(2) to (4) may be administered only at or near the place where the requirement to co-operate with the test is imposed.

(3) A preliminary breath test administered in reliance on section 6(5) may be administered—

(a) at or near the place where the requirement to co-operate with the test is imposed, or

(b) if the constable who imposes the requirement thinks it expedient, at a police station specified by him.

Textual Amendments

F11 Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 120, **Sch. 7 para. 1**; S.I. 2004/827, **arts. 2**, **3**

Modifications etc. (not altering text)

C3 Ss. 6A-6E applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

6B Preliminary impairment test

(1) A preliminary impairment test is a procedure whereby the constable administering the test—

(a) observes the person to whom the test is administered in his performance of tasks specified by the constable, and

(b) makes such other observations of the person's physical state as the constable thinks expedient.

(2) The Secretary of State shall issue (and may from time to time revise) a code of practice about—

(a) the kind of task that may be specified for the purpose of a preliminary impairment test,

(b) the kind of observation of physical state that may be made in the course of a preliminary impairment test,

(c) the manner in which a preliminary impairment test should be administered, and

(d) the inferences that may be drawn from observations made in the course of a preliminary impairment test.

(3) In issuing or revising the code of practice the Secretary of State shall aim to ensure that a preliminary impairment test is designed to indicate—

(a) whether a person is unfit to drive, and

(b) if he is, whether or not his unfitness is likely to be due to drink or drugs.

(4) A preliminary impairment test may be administered—

(a) at or near the place where the requirement to co-operate with the test is imposed, or

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(b) if the constable who imposes the requirement thinks it expedient, at a police station specified by him.

(5) A constable administering a preliminary impairment test shall have regard to the code of practice under this section.

(6) A constable may administer a preliminary impairment test only if he is approved for that purpose by the chief officer of the police force to which he belongs.

(7) A code of practice under this section may include provision about—

(a) the giving of approval under subsection (6), and

(b) in particular, the kind of training that a constable should have undergone, or the kind of qualification that a constable should possess, before being approved under that subsection.

Textual Amendments

F11 Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 120, **Sch. 7 para. 1**; S.I. 2004/827, **arts. 2**, **3**

Modifications etc. (not altering text)

C4 Ss. 6A-6E applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

6C Preliminary drug test

(1) A preliminary drug test is a procedure by which a specimen of sweat or saliva is—

(a) obtained, and

(b) used for the purpose of obtaining, by means of a device of a type approved by the Secretary of State, an indication whether the person to whom the test is administered has a drug in his body.

(2) A preliminary drug test may be administered—

(a) at or near the place where the requirement to co-operate with the test is imposed, or

(b) if the constable who imposes the requirement thinks it expedient, at a police station specified by him.

Textual Amendments

F11 Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 120, **Sch. 7 para. 1**; S.I. 2004/827, **arts. 2**, **3**

Modifications etc. (not altering text)

C5 Ss. 6A-6E applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

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[F11 6D Arrest

(1) A constable may arrest a person without warrant if as a result of a preliminary breath test the constable reasonably suspects that the proportion of alcohol in the person's breath or blood exceeds the prescribed limit.

(2) A constable may arrest a person without warrant if—

(a) the person fails to co-operate with a preliminary test in pursuance of a requirement imposed under section 6, and

(b) the constable reasonably suspects that the person has alcohol or a drug in his body or is under the influence of a drug.

(3) A person may not be arrested under this section while at a hospital as a patient.**]**

Textual Amendments

F11 Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 120, **Sch. 7 para. 1**; S.I. 2004/827, **arts. 2**, **3**

Modifications etc. (not altering text)

C6 Ss. 6A-6E applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

6E Power of entry

(1) A constable may enter any place (using reasonable force if necessary) for the purpose of—

(a) imposing a requirement by virtue of section 6(5) following an accident in a case where the constable reasonably suspects that the accident involved injury of any person, or

(b) arresting a person under section 6D following an accident in a case where the constable reasonably suspects that the accident involved injury of any person.

(2) This section—

(a) does not extend to Scotland, and

(b) is without prejudice to any rule of law or enactment about the right of a constable in Scotland to enter any place.**]**

Textual Amendments

F11 Ss. 6-6E substituted (29.3.2004 for certain purposes and 30.3.2004 otherwise) for s. 6 by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 120, **Sch. 7 para. 1**; S.I. 2004/827, **arts. 2**, **3**

Modifications etc. (not altering text)

C7 Ss. 6A-6E applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

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7 Provision of specimens for analysis.

(1) In the course of an investigation into whether a person has committed an offence under **[**F12section 3A, 4**]** or 5 of this Act a constable may, subject to the following provisions of this section and section 9 of this Act, require him—

(a) to provide two specimens of breath for analysis by means of a device of a type approved by the Secretary of State, or

(b) to provide a specimen of blood or urine for a laboratory test.

(2) A requirement under this section to provide specimens of breath can only be made at a police station.

(3) A requirement under this section to provide a specimen of blood or urine can only be made at a police station or at a hospital; and it cannot be made at a police station unless—

(a) the constable making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required, or

(b) at the time the requirement is made a device or a reliable device of the type mentioned in subsection (1)(a) above is not available at the police station or it is then for any other reason not practicable to use such a device there, or

[F13(bb) a device of the type mentioned in subsection (1)(a) above has been used at the police station but the constable who required the specimens of breath has reasonable cause to believe that the device has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned, or**]**

[F14(bc) as a result of the administration of a preliminary drug test, the constable making the requirement has reasonable cause to believe that the person required to provide a specimen of blood or urine has a drug in his body, or**]**

(c) the suspected offence is one under **[**F15section 3A or 4**]** of this Act and the constable making the requirement has been advised by a medical practitioner that the condition of the person required to provide the specimen might be due to some drug;

but may then be made notwithstanding that the person required to provide the specimen has already provided or been required to provide two specimens of breath.

(4) If the provision of a specimen other than a specimen of breath may be required in pursuance of this section the question whether it is to be a specimen of blood or a specimen of urine **[**F16and, in the case of a specimen of blood, the question who is to be asked to take it shall be decided (subject to subsection (4A)) by the constable making the requirement**]**.

[F17(4A) Where a constable decides for the purposes of subsection (4) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if—

(a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or

(b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner;

and, where by virtue of this subsection there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead.**]**

(5) A specimen of urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.

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(6) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this section is guilty of an offence.

(7) A constable must, on requiring any person to provide a specimen in pursuance of this section, warn him that a failure to provide it may render him liable to prosecution.

Textual Amendments

F12 Words in S. 7(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 42(a)**; S.I. 1992/1286, art. 2, **Sch.**

F13 S. 7(3)(bb) inserted (4.7.1996 but with effect (1.4.1997) as mentioned in s. 63(3)(4)) by 1996 c. 25, **s. 63(1)** (with s. 78(1)); S.I. 1997/682, **art. 2(1)(b)**

F14 S. 7(3)(bc) inserted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 120, **Sch. 7 para. 2**; S.I. 2004/827, **art. 3**

F15 Words in s. 7(3)(c) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 42(b)**; S.I. 1992/1286, art. 2, **Sch.**

F16 Words in s. 7(4) substituted (1.4.2003) by Police Reform Act 2002 (c. 30), ss. 55(1), 108(2); S.I. 2003/808, **art. 2(e)**

F17 S. 7(4A) inserted (1.4.2003) by Police Reform Act 2002 (c. 30), ss. 55(2), 108(2); S.I. 2003/808, **art. 2(e)**

Modifications etc. (not altering text)

C8 S. 7 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

[F18 7A Specimens of blood taken from persons incapable of consenting

(1) A constable may make a request to a medical practitioner for him to take a specimen of blood from a person ("the person concerned") irrespective of whether that person consents if—

(a) that person is a person from whom the constable would (in the absence of any incapacity of that person and of any objection under section 9) be entitled under section 7 to require the provision of a specimen of blood for a laboratory test;

(b) it appears to that constable that that person has been involved in an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter;

(c) it appears to that constable that that person is or may be incapable (whether or not he has purported to do so) of giving a valid consent to the taking of a specimen of blood; and

(d) it appears to that constable that that person's incapacity is attributable to medical reasons.

(2) A request under this section—

(a) shall not be made to a medical practitioner who for the time being has any responsibility (apart from the request) for the clinical care of the person concerned; and

(b) shall not be made to a medical practitioner other than a police medical practitioner unless—

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(i) it is not reasonably practicable for the request to made to a police medical practitioner; or

(ii) it is not reasonably practicable for such a medical practitioner (assuming him to be willing to do so) to take the specimen.

(3) It shall be lawful for a medical practitioner to whom a request is made under this section, if he thinks fit—

(a) to take a specimen of blood from the person concerned irrespective of whether that person consents; and

(b) to provide the sample to a constable.

(4) If a specimen is taken in pursuance of a request under this section, the specimen shall not be subjected to a laboratory test unless the person from whom it was taken—

(a) has been informed that it was taken; and

(b) has been required by a constable to give his permission for a laboratory test of the specimen; and

(c) has given his permission.

(5) A constable must, on requiring a person to give his permission for the purposes of this section for a laboratory test of a specimen, warn that person that a failure to give the permission may render him liable to prosecution.

(6) A person who, without reasonable excuse, fails to give his permission for a laboratory test of a specimen of blood taken from him under this section is guilty of an offence.

(7) In this section "police medical practitioner" means a medical practitioner who is engaged under any agreement to provide medical services for purposes connected with the activities of a police force.**]**

Textual Amendments

F18 S. 7A inserted (1.10.2002) by 2002 c. 30, **s. 56(1)**; S.I. 2002/2306, **art. 2(d)(v)**

Modifications etc. (not altering text)

C9 S. 7A applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

8 Choice of specimens of breath.

(1) Subject to subsection (2) below, of any two specimens of breath provided by any person in pursuance of section 7 of this Act that with the lower proportion of alcohol in the breath shall be used and the other shall be disregarded.

(2) If the specimen with the lower proportion of alcohol contains no more than 50 microgrammes of alcohol in 100 millilitres of breath, the person who provided it may claim that it should be replaced by such specimen as may be required under section 7(4) of this Act and, if he then provides such a specimen, neither specimen of breath shall be used.

(3) The Secretary of State may by regulations substitute another proportion of alcohol in the breath for that specified in subsection (2) above.

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Modifications etc. (not altering text)

C10 S. 8 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

9 Protection for hospital patients.

(1) While a person is at a hospital as a patient he shall not be required **[**F19to co-operate with a preliminary test**]** or to provide a specimen for a laboratory test unless the medical practitioner in immediate charge of his case has been notified of the proposal to make the requirement; and—

(a) if the requirement is then made, **[**F20it shall be for co-operation with a test administered, or for the provision of a specimen, at the hospital**]** , but

(b) if the medical practitioner objects on the ground specified in subsection (2) below, the requirement shall not be made.

[F21(1A) While a person is at a hospital as a patient, no specimen of blood shall be taken from him under section 7A of this Act and he shall not be required to give his permission for a laboratory test of a specimen taken under that section unless the medical practitioner in immediate charge of his case—

(a) has been notified of the proposal to take the specimen or to make the requirement; and

(b) has not objected on the ground specified in subsection (2).

F21(2) The ground on which the medical practitioner may object is—

(a) in a case falling within subsection (1), that the requirement or the provision of the specimen or (if one is required) the warning required by section 7(7) of this Act would be prejudicial to the proper care and treatment of the patient; and

(b) in a case falling within subsection (1A), that the taking of the specimen, the requirement or the warning required by section 7A(5) of this Act would be so prejudicial.**]**

Textual Amendments

F19 Words in s. 9(1) substituted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 120, **Sch. 7 para. 3(a)**; S.I. 2004/827, **art. 3**

F20 Words in s. 9(1)(a) substituted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 120, **Sch. 7 para. 3(b)**; S.I. 2004/827, **art. 3**

F21 S. 9(1A)(2) substituted for s. 9(2) (1.10.2002) by 2002 c. 30, **s. 56(2)**; S.I. 2002/2306, **art. 2(d)(v)**

Modifications etc. (not altering text)

C11 S. 9 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

10 Detention of persons affected by alcohol or a drug.

(1) Subject to subsections (2) and (3) below, a person required **[**F22under section 7 or 7A**]** to provide a specimen of breath, blood or urine may afterwards be detained at a police

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station until it appears to the constable that, were that person then driving or attempting to drive a **[**F23mechanically propelled vehicle**]** on a road, he would not be committing an offence under section 4 or 5 of this Act.

(2) A person shall not be detained in pursuance of this section if it appears to a constable that there is no likelihood of his driving or attempting to drive a **[**F23mechanically propelled vehicle**]** whilst his ability to drive properly is impaired or whilst the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.

(3) A constable must consult a medical practitioner on any question arising under this section whether a person's ability to drive properly is or might be impaired through drugs and must act on the medical practitioner's advice.

Textual Amendments

F22 Words in s. 10(1) inserted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 120, **Sch. 7 para. 4**; S.I. 2004/827, **art. 3**

F23 Words in s. 10(1)(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 43**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C12 S. 10 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

11 Interpretation of sections 4 to 10.

(1) The following provisions apply for the interpretation of sections **[**F24 3A**]** to 10 of this Act.

(2) In those sections—

F25 . . .

"drug" includes any intoxicant other than alcohol,

"fail" includes refuse,

"hospital" means an institution which provides medical or surgical treatment for in-patients or out-patients,

"the prescribed limit" means, as the case may require—

(a) 35 microgrammes of alcohol in 100 millilitres of breath,

(b) 80 milligrammes of alcohol in 100 millilitres of blood, or

(c) 107 milligrammes of alcohol in 100 millilitres of urine,

or such other proportion as may be prescribed by regulations made by the Secretary of State.

[F26"registered health care professional" means a person (other than a medical practitioner) who is—

(a) a registered nurse; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.**]**

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[F27(2A) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(2B) An order under subsection (2) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

(3) **[**F28A person does not co-operate with a preliminary test or provide a specimen of breath for analysis unless his co-operation or the specimen**]**—

(a) is sufficient to enable the test or the analysis to be carried out, and

(b) is provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved.

[F29(4) A person provides a specimen of blood if and only if—

(a) he consents to the taking of such a specimen from him; and

(b) the specimen is taken from him by a medical practitioner or, if it is taken in a police station, either by a medical practitioner or by a registered health care professional.**]**

Textual Amendments

F24 Words "3A" in s. 11(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 44**; S.I. 1992/1286, art. 2, **Sch.**

F25 In s. 11(2) definition of "breath test" repealed (30.3.2004) by Railways and Transport Safety Act 2003, (c. 20), ss. 107, 118, 120, Sch. 7 para. 5(a), {Sch. 8}; S.I. 2004/827, **art. 3**

F26 In s. 11(2) definition of "registered health care professional" inserted (1.10.2002 for certain purposes and 1.4.2003 otherwise) by Police Reform Act 2002 (c. 30), ss. 55(3), 108(2); S.I. 2002/2306, art. 4(d); S.I. 2003/808, **art. 2(e)**

F27 S. 11(2A)(2B) inserted (1.10.2002 for certain purposes and 1.4.2003 otherwise) by Police Reform Act 2002 (c. 30), ss. 55(4), 108(2); S.I. 2002/2306, art. 4(d); S.I. 2003/808, **art. 2(e)**

F28 Words in s. 11(3) substituted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 30), ss. 107, 120, **Sch. 7 para. 5(b)**; S.I. 2004/827, **art. 3**

F29 S. 11(4) substituted (1.4.2003) by Police Reform Act 2002 (c. 30), ss. 55(5), 108(2); S.I. 2003/808, **art. 2(e)**

Modifications etc. (not altering text)

C13 S. 11 applied (with modifications) (29.3.2004 for certain purposes and 30.3.2004 otherwise) by Railways and Transport Safety Act 2003 (c. 20), **ss. 83(1)(3)**, **96(1)(3)**, 120 (with ss. 90, 100); S.I. 2004/827, **arts. 2**, **3**

Motor racing and motoring events on public ways

12 Motor racing on public ways.

(1) A person who promotes or takes part in a race or trial of speed between motor vehicles on a public way is guilty of an offence.

(2) In this section "public way" means, in England and Wales, a **[**F30highway**]** and, in Scotland, a public road.

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Textual Amendments

F30 Word in s. 12(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 45**; S.I. 1992/1286, **art. 2**,Sch.

13 Regulation of motoring events on public ways.

(1) A person who promotes or takes part in a competition or trial (other than a race or trial of speed) involving the use of motor vehicles on a public way is guilty of an offence unless the competition or trial—

(a) is authorised, and

(b) is conducted in accordance with any conditions imposed,

by or under regulations under this section.

(2) The Secretary of State may by regulations authorise, or provide for authorising, the holding of competitions or trials (other than races or trials of speed) involving the use of motor vehicles on public ways either—

(a) generally, or

(b) as regards any area, or as regards any class or description of competition or trial or any particular competition or trial,

subject to such conditions, including conditions requiring the payment of fees, as may be imposed by or under the regulations.

(3) Regulations under this section may—

(a) prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations, and

(b) make different provision for different classes or descriptions of competition or trial.

(4) In this section "public way" means, in England and Wales, a **[**F31highway**]** and, in Scotland, a public road.

Textual Amendments

F31 Word in s. 13(4) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 46**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C14 S. 13(2): transfer of functions (1.7.1999) by S.I. 1999/672, arts. 1, 2, **Sch. 1**
S. 13(2): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

[F32**13A Disapplication of sections 1 to 3 for authorised motoring events.**

(1) A person shall not be guilty of an offence under sections 1, 2 or 3 of this Act by virtue of driving a vehicle in a public place other than a road if he shows that he was driving in accordance with an authorisation for a motoring event given under regulations made by the Secretary of State.

(2) Regulations under this section may in particular—

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(a) prescribe the persons by whom, and limit the circumstances in which and the places in respect of which, authorisations may be given under the regulations;

(b) specify conditions which must be included among those incorporated in authorisations;

(c) provide for authorisations to cease to have effect in prescribed circumstances;

(d) provide for the procedure to be followed, the particulars to be given, and the amount (or the persons who are to determine the amount) of any fees to be paid, in connection with applications for authorisations;

(e) make different provisions for different cases.**]**

Textual Amendments

F32 S. 13A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.5**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C15 S. 13A: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1999/3178, **art. 3**
S. 13A: transfer of functions (1.7.1999) by S.I. 1999/672, arts. 1, 2, **Sch. 1**

Protective measures: seat belts, helmets, etc.

14 Seat belts: adults.

(1) The Secretary of State may make regulations requiring, subject to such exceptions as may be prescribed, persons who are driving or riding in motor vehicles on a road to wear seat belts of such description as may be prescribed.

(2) Regulations under this section—

(a) may make different provision in relation to different classes of vehicles, different descriptions of persons and different circumstances,

[F33(aa) may, for the purpose of implementing the seat belt Directive, authorise the wearing of a seat belt approved under the law of a member State other than the United Kingdom,**]**

(b) shall include exceptions for—

(i) the users of vehicles constructed or adapted for the delivery of goods or mail to consumers or **[**F34addressees**]**, as the case may be, while engaged in making local rounds of deliveries,

(ii) the drivers of vehicles while performing a manoeuvre which includes reversing,

(iii) any person holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt,

[F35(bb) shall, for the purpose of implementing the seat belt Directive, include an exception for any person holding a certificate to the like effect as that mentioned in paragraph (b)(iii) above which was issued in a member State other than the United Kingdom and which, under the law of that State, is valid for purposes corresponding to those of this section,**]**

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(c) may make any prescribed exceptions subject to such conditions as may be prescribed, and

(d) may prescribe cases in which a fee of a prescribed amount may be charged on an application for any certificate required as a condition of any prescribed exception.

(3) A person who drives or rides in a motor vehicle in contravention of regulations under this section is guilty of an offence; but, notwithstanding any enactment or rule of law, no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention.

(4) If the holder of any such certificate as is referred to in subsection (2)(b) **[**F36or (bb)**]**above is informed by a constable that he may be prosecuted for an offence under subsection (3) above, he is not in proceedings for that offence entitled to rely on the exception afforded to him by the certificate unless—

(a) it is produced to the constable at the time he is so informed, or

(b) it is produced—

(i) within seven days after the date on which he is so informed, or

(ii) as soon as is reasonably practicable,

at such police station as he may have specified to the constable, or

(c) where it is not produced at such police station, it is not reasonably practicable for it to be produced there before the day on which the proceedings are commenced.

(5) For the purposes of subsection (4) above, the laying of the information or, in Scotland, the service of the complaint on the accused shall be treated as the commencement of the proceedings.

(6) Regulations under this section requiring the wearing of seat belts by persons riding in motor vehicles shall not apply to children under the age of fourteen years.

[F37(7) In this section, “the seat belt Directive" means the M1Directive of the Council of the European Communities, dated 16th December 1991, (No.91/671/EEC) on the approximation of the laws of the member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes.**]**

Subordinate Legislation Made

P1 S. 14(1)(2) power exercised by S.I. 1991/1255

Textual Amendments

F33 S. 14(2)(aa) inserted (2.2.1993) by S.I. 1992/3105, **reg. 2(2)(a)**.

F34 Word in s. 14(2)(b)(i) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 47**; S.I. 1992/1286, art. 2, **Sch.**

F35 S. 14(2)(bb) inserted (2.2.1993) by S.I. 1992/3105, **reg. 2(2)(b)**.

F36 Words in s. 14(4) inserted (2.2.1993) by S.I. 1992/3105, **reg. 2(3)**.

F37 S.14(7) inserted (2.2.1993) by S.I. 1992/3105, **reg. 2(4)**.

Marginal Citations

M1 O.J. No. L373, 31.12.91, p26.

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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15 Restriction on carrying children not wearing seat belts in motor vehicles.

(1) Except as provided by regulations, where a child under the age of fourteen years is in the front of a motor vehicle, a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.

(2) It is an offence for a person to drive a motor vehicle in contravention of subsection (1) above.

(3) Except as provided by regulations, where a child under the age of fourteen years is in the rear of a motor vehicle and any seat belt is fitted in the rear of that vehicle, a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.

[F38(3A) Except as provided by regulations, where—

(a) a child who is under the age of 12 years and less than 150 centimetres in height is in the rear of a passenger car,

(b) no seat belt is fitted in the rear of the passenger car, and

(c) a seat in the front of the passenger car is provided with a seat belt but is not occupied by any person,

a person must not without reasonable excuse drive the passenger car on a road.**]**

(4) It is an offence for a person to drive a motor vehicle in contravention of subsection (3) **[**F39 or (3A)**]** above.

(5) Provision may be made by regulations—

(a) excepting from the prohibition in subsection (1) **[**F40, (3) or (3A)**]** above children of any prescribed description, vehicles of a prescribed class or the driving of vehicles in such circumstances as may be prescribed,

(b) defining in relation to any class of vehicle what part of the vehicle is to be regarded as the front of the vehicle for the purposes of subsection (1) **[**F41or (3A)**]** above or as the rear of the vehicle for the purposes of subsection (3) **[**F41or (3A)**]** above,

(c) prescribing for the purposes of subsection (1) or (3) above the descriptions of seat belt to be worn by children of any prescribed description and the manner in which such seat belt is to be fixed and used.

[F42(5A) Without prejudice to the generality of subsection (5) above, regulations made by virtue of paragraph (c) of that subsection may, for the purpose of implementing the seat belt Directive,—

(a) make different provision in relation to different vehicles and different circumstances,

(b) authorise the wearing of a seat belt approved under the law of any member State other than the United Kingdom.**]**

[F43(6) Regulations made for the purposes of subsection (3) or (3A) above—

(a) shall include an exemption for any child holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt, and

(b) shall, for the purpose of implementing the seat belt Directive, include an exemption for any child holding a certificate to the like effect which was issued in any member State other than the United Kingdom and which, under the law of that State, is valid for purposes corresponding to those of this section,

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but such regulations may, for the purpose of implementing that Directive, make either of those exemptions subject to such conditions as may be prescribed.**]**

(7) If the driver of a motor vehicle is informed by a constable that he may be prosecuted for an offence under subsection (4) above, he is not in proceedings for that offence entitled to rely on an exception afforded to a child by a certificate referred to in subsection (6) above unless—

(a) it is produced to the constable at the time he is so informed, or

(b) it is produced—

(i) within seven days after the date on which he is so informed, or

(ii) as soon as is reasonably practicable,

at such police station as he may have specified to the constable, or

(c) where it is not produced at such police station, it is not reasonably practicable for it to be produced there before the day on which the proceedings are commenced.

(8) For the purposes of subsection (7) above, the laying of the information or, in Scotland, the service of the complaint on the accused shall be treated as the commencement of the proceedings.

(9) In this section—

[[F44]"maximum laden weight" has the meaning given by Part IV of Schedule 6 to the [M2]Road Traffic Regulation Act 1984;

"passenger car" means a motor vehicle which—

(a) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,

(b) has no more than eight seats in addition to the driver's seat,

(c) has four or more wheels,

(d) has a maximum design speed exceeding 25 kilometres per hour, and

(e) has a maximum laden weight not exceeding 3.5 tonnes,**]**

"regulations" means regulations made by the Secretary of State under this section, [F45]. . .

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

[[F44]"the seat belt Directive" has the same meaning as in section 14.**]**

[F46](10) . . . . . .

Textual Amendments

F38 S. 15(3A) inserted (2.2.1993) by S.I 1992/3105, reg. 3(2).

F39 Words in s. 15(4) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(3)**.

F40 Words in s. 15(5)(a) substituted (2.2.1993) by S.I. 1992/3105, **reg. 3(4)(a)**.

F41 Words in s. 15(5)(b) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(4)(b)**.

F42 S. 15(5A) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(5)**.

F43 S. 15(6) substituted (2.2.1993) by S.I. 1992/3105, **reg. 3(6)**.

F44 Definitions in s. 15(9) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(7)(a)(b)**.

F45 Word in s. 15(9) omitted (2.2.1993) by virtue of S.I. 1992/3105, **reg. 3(7)(b)**.

F46 S. 15(10) 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.**

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Modifications etc. (not altering text)
C16 S. 15(1) restricted (2.2.1993) by S.I. 1993/31, **regs. 6**, 7(1)-(3)

Marginal Citations
M2 1984 c. 27.

[F47 15A Safety equipment for children in motor vehicles.

(1) The Secretary of State may make regulations prescribing (by reference to shape, construction or any other quality) types of equipment of any description to which this section applies that are recommended as conducive to the safety in the event of accident of prescribed classes of children in prescribed classes of motor vehicles.

(2) Regulations under this section may make provision for securing that when equipment of a type prescribed by the regulations is sold or offered for sale as equipment which is so conducive—

(a) appropriate information is provided in relation to it in such manner as may be prescribed, and

(b) inappropriate information is not provided in relation to it.

(3) Except in such circumstances as may be prescribed, if a person sells, or offers for sale, equipment of any description for which a type is prescribed under this section as equipment which is so conducive and that equipment—

(a) is not of a type so prescribed, or

(b) is sold or offered for sale in contravention of regulations under this section,

he is, subject to subsection (5) below, guilty of an offence.

(4) Except in such circumstances as may be prescribed, if a person sells, or offers for sale, equipment of any description for which a type is prescribed under this section as equipment conducive to the safety in the event of accident—

(a) of children not of a class prescribed in relation to equipment of that type, or

(b) of children in motor vehicles not of a class prescribed in relation to equipment of that type,

he is, subject to subsection (5) below, 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 equipment if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.

(6) The provisions of Schedule 1 to this Act shall have effect in relation to contraventions of this section.

(7) Regulations under this section may make different provision in relation to different circumstances.

(8) This section applies to equipment of any description for use in a motor vehicle consisting of—

(a) a restraining device for a child or for a carry-cot, or

(b) equipment designed for use by a child in conjunction with any description of restraining device.

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9) References in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.**]**

Textual Amendments

F47 S. 15A inserted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 1**

VALID FROM 18/09/2006

[F48 15B Requirement to notify bus passengers to wear seat belts

(1) Subject to subsection (6) below, the operator of a bus in which any of the passenger seats are equipped with seat belts shall take all reasonable steps to ensure that every passenger is notified that he is required to wear a seat belt at all times when—

(a) he is in a seat equipped with a seat belt, and

(b) the bus is in motion.

(2) For the purposes of subsection (1) above, a passenger may be notified only by one or more of the following means—

(a) an official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of his doing so;

(b) a sign prominently displayed at each passenger seat equipped with a seat belt.

In paragraph (a) above, "official announcement" means an announcement by the driver of the bus, by a conductor or courier or by a person who is a group leader in relation to any group of persons who are passengers on the bus.

(3) For the purposes of subsection (2)(b) above, a sign that takes the form of a pictorial symbol must be in the form shown in Schedule 2A, depicting a white figure on a blue background.

(4) An operator who fails to comply with subsection (1) above is guilty of an offence.

(5) Where an offence under subsection (4) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such a capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(6) Subsection (1) above does not apply in relation to a bus—

(a) which is being used to provide a local service (within the meaning of the Transport Act 1985 F49) in a built-up area, or

(b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing.

For the purposes of paragraph (a) above, a local service is provided in a built-up area if the entire route used by that service consists of restricted roads.

(7) In this section—

"bus" has the same meaning as in section 15;

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"operator", in relation to a bus, means—

(a) the owner of the bus, or

(b) if the bus is in the possession of any other person under an agreement for hire, hire-purchase, conditional sale, loan or otherwise, that person;

"passenger seat", in relation to a bus, means any seat other than the driver's seat;

"restricted road" means a road that is restricted for the purposes of section 81 of the Road Traffic Regulation Act 1984 [F50] (ignoring any direction under section 82(2)(b) of that Act) or would be so restricted but for a direction under section 82(2)(a) or an order under section 84(1) of that Act.**]**

Textual Amendments

F48 S. 15B inserted (18.9.2006) by The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), **reg. 4**

F49 1985 c. 67. A "local service" is defined in section 2 of that Act.

F50 1984 c. 27.

16 Wearing of protective headgear.

(1) The Secretary of State may make regulations requiring, subject to such exceptions as may be specified in the regulations, persons driving or riding (otherwise than in side-cars) on motor cycles of any class specified in the regulations to wear protective headgear of such description as may be so specified.

(2) A requirement imposed by regulations under this section shall not apply to any follower of the Sikh religion while he is wearing a turban.

(3) Regulations under this section may make different provision in relation to different circumstances.

(4) A person who drives or rides on a motor cycle in contravention of regulations under this section is guilty of an offence; but notwithstanding any enactment or rule of law no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention unless the person actually committing the contravention is a child under the age of sixteen years.

17 Protective helmets for motor cyclists.

(1) The Secretary of State may make regulations prescribing (by reference to shape, construction or any other quality) types of helmet recommended as affording protection to persons on or in motor cycles, or motor cycles of different classes, from injury in the event of accident.

(2) If a person sells, or offers for sale, a helmet as a helmet for affording such protection and the helmet is neither—

(a) of a type prescribed under this section, nor

(b) of a type authorised under regulations made under this section and sold or offered for sale subject to any conditions specified in the authorisation

subject to subsection (3) below, he is guilty of an offence.

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(3) A person shall not be convicted of an offence under this section in respect of the sale or offer for sale of a helmet if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.

(4) The provisions of Schedule 1 to this Act shall have effect in relation to contraventions of this section.

(5) In this section and that Schedule "helmet" includes any head-dress, and references in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

18 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 and that appliance—

(a) is not of a type so prescribed, or

(b) is otherwise used in contravention of regulations under this section,

he is guilty of an offence.

(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 is, subject to subsection (5) below, 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) The provisions of Schedule 1 to this Act shall have effect in relation to contraventions of subsection (4) above.

(7) 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).

(8) References in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

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Stopping on verges, etc., or in dangerous positions, etc.

19 Prohibition of parking of HGVs on verges, central reservations and footways.

(1) Subject to subsection (2) below, a person who parks a heavy commercial vehicle (as defined in section 20 of this Act) wholly or partly—

(a) on the verge of a road, or

(b) on any land situated between two carriageways and which is not a footway, or

(c) on a footway,

is guilty of an offence.

(2) A person shall not be convicted of an offence under this section in respect of a vehicle if he proves to the satisfaction of the court—

(a) that it was parked in accordance with permission given by a constable in uniform, or

(b) that it was parked in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency, or

(c) that it was parked in contravention of this section but the conditions specified in subsection (3) below were satisfied.

(3) The conditions mentioned in subsection (2)(c) above are—

(a) that the vehicle was parked on the verge of a road or on a footway for the purpose of loading or unloading, and

(b) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footway or verge, and

(c) that the vehicle was not left unattended at any time while it was so parked.

(4) In this section "carriageway" and "footway", in relation to England and Wales, have the same meanings as in the [M3]Highways Act 1980.

Modifications etc. (not altering text)

C17 S. 19 excluded (temp.) (E.W.) (1.10.1991) and (S.) (16.6.1997) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 43, 76(3)(e), 84, **Sch. 3 para. 2(4)(d)**; S.I. 1991/2054, art. 3, **Sch.**; S.I. 1997/1580, **art. 2**

Marginal Citations

M3 1980 c. 66.

[F51]19A . . . . . .

Textual Amendments

F51 S. 19A (which was inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1) ss. 4, 8(3)(b), Sch. 2 Pt. II para. 22(1)) 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.

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20 Definition of "heavy commercial vehicle" for the purposes of section 19.

(1) In section 19 of 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; 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 41 of this Act.

(4) In this section, and in the definition of "goods vehicle" in section 192 of this Act as it applies for the purposes of this section, "trailer" means any vehicle other than a motor vehicle.

(5) 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.

(6) Different regulations may be made under subsection (5) 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.

(7) Regulations under subsection (5) 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 section 19 of this Act.

21 Prohibition of driving or parking on cycle tracks.

(1) Subject to the provisions of this section, any person who, without lawful authority, drives or parks a **[**[F52]mechanically propelled**]** vehicle wholly or partly on a cycle track is guilty of an offence.

(2) A person shall not be convicted of an offence under subsection (1) above with respect to a vehicle if he proves to the satisfaction of the court—

(a) that the vehicle was driven or (as the case may be) parked in contravention of that subsection for the purpose of saving life, or extinguishing fire or meeting any other like emergency, or

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(b) that the vehicle was owned or operated by a highway authority or by a person discharging functions on behalf of a highway authority and was driven or (as the case may be) parked in contravention of that subsection in connection with the carrying out by or on behalf of that authority of any of the following, that is, the cleansing, maintenance or improvement of, or the maintenance or alteration of any structure or other work situated in, the cycle track or its verges **[**F53, or the preventing or removing of obstructions to the cycle track or the preventing or abating in any other way of nuisances or other interferences with the cycle track,**]**, or

(c) that the vehicle was owned or operated by statutory undertakers and was driven or (as the case may be) parked in contravention of that subsection in connection with the carrying out by those undertakers of any works in relation to any apparatus belonging to or used by them for the purpose of their undertaking.

(3) In this section—

(a) "cycle track" and other expressions used in this section and in the M4Highways Act 1980 have the same meaning as in that Act,

[F54(aa) in subsection (1) "mechanically propelled vehicle" does not include a vehicle falling within paragraph (a), (b) or (c) of section 189(1) of this Act,**]**

(b) in subsection (2)(c) above "statutory undertakers" means any body who are statutory undertakers within the meaning of the Highways Act 1980, any sewerage authority within the meaning of that Act or the operator of **[**F55an electronic communications code network**]**, and in relation to any such sewerage authority "apparatus" includes sewers or sewerage disposal works.

(4) This section does not extend to Scotland.

Textual Amendments

F52 Words in s. 21(1) substituted (30.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 4(1)(2)**

F53 Words in s. 21(2)(b) inserted (1.4.2001 for E. and 1.5.2001 for W.) by 2000 c. 37, **ss. 70(4)**, 103(3); S.I. 2001/114, **art. 2(2)(d)**; S.I. 2001/1410, **art. 2(e)**

F54 S. 21(3)(aa) inserted (30.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 4(3)**

F55 Words in s. 21(3)(b) substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406(1)(6), 408, 411, **Sch. 17 para. 95** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

Modifications etc. (not altering text)

C18 S. 21 excluded (temp.) (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 43, 76(3)(f), **Sch. 3 para. 2(4)(e)**; S.I. 1991/2054, art. 3, **Sch.**

C19 S. 21 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxxvii)**; S.I. 1996/218, **art. 2**

C20 S. 21(2)(c) extended by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 1(2)(xxx)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), **Sch. 16 para. 1(1)(xxxviii)**(with Sch. 17 paras. 33, 35(1))

Marginal Citations

M4 1980 c. 66.

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22 Leaving vehicles in dangerous positions.

If a person in charge of a vehicle causes or permits the vehicle or a trailer drawn by it to remain at rest on a road in such a position or in such condition or in such circumstances as to **[**[F56]involve a danger of injury**]** to other persons using the road, he is guilty of an offence.

Textual Amendments

F56 Words in s. 22 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.48**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C21 S. 22 applied (S.) (21.3.1999) by S.I. 1999/854, **art. 3(4)(a)(b)**

[[F57]22A Causing danger to road-users.

(1) A person is guilty of an offence if he intentionally and without lawful authority or reasonable cause—

(a) causes anything to be on or over a road, or

(b) interferes with a motor vehicle, trailer or cycle, or

(c) interferes (directly or indirectly) with traffic equipment,

in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.

(2) In subsection (1) above "dangerous" refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that subsection what would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(3) In subsection (1) above "traffic equipment" means—

(a) anything lawfully placed on or near a road by a highway authority;

(b) a traffic sign lawfully placed on or near a road by a person other than a highway authority;

(c) any fence, barrier or light lawfully placed on or near a road—

(i) in pursuance of section 174 of the Highways Act 1980, [F58]. . . or section 65 of the New Roads and Street Works Act 1991 (which provide for guarding, lighting and signing in streets where works are undertaken), or

(ii) by a constable or a person acting under the instructions (whether general or specific) of a chief officer of police.

(4) For the purposes of subsection (3) above anything placed on or near a road shall unless the contrary is proved be deemed to have been lawfully placed there.

(5) In this section "road" does not include a footpath or bridleway.

(6) This section does not extend to Scotland.**]**

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Textual Amendments

F57 S. 22A inserted (E.W.) (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 6**; S.I. 1992/1286, art. 2, **Sch.**

F58 Words in s. 22A(3)(c)(i) repealed (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59), s. 168(1)(2), Sch. 8 para. 121(2), **Sch.9** (with s. 25(2)); S.I. 1992/2984, art. 2(2), **Sch.2**.

Other restrictions in interests of safety

23 Restriction of carriage of persons on motor cycles.

(1) Not more than one person in addition to the driver may be carried on a **[**F59motor bicycle**]**.

(2) No person in addition to the driver may be carried on a **[**F59motor bicycle**]** otherwise than sitting astride the motor cycle and on a proper seat securely fixed to the motor cycle behind the driver's seat.

(3) If a person is carried on a motor cycle in contravention of this section, the driver of the motor cycle is guilty of an offence.

Textual Amendments

F59 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 6 para. 6**

24 Restriction of carriage of persons on bicycles.

(1) Not more than one person may be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.

(2) In this section—

(a) references to a person carried on a bicycle include references to a person riding the bicycle, and

(b) "road" includes bridleway.

(3) If a person is carried on a bicycle in contravention of subsection (1) above, each of the persons carried is guilty of an offence.

25 Tampering with motor vehicles.

If, while a motor vehicle is on a road or on a parking place provided by a local authority, a person—

(a) gets on to the vehicle, or

(b) tampers with the brake or other part of its mechanism,

without lawful authority or reasonable cause he is guilty of an offence.

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Modifications etc. (not altering text)
C22 S. 25 applied (S.) (21.3.1999) by S.I. 1999/854, **art. 3(4)(a)(b)**

26 Holding or getting on to vehicle in order to be towed or carried.

(1) If, for the purpose of being carried, a person without lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion on a road he is guilty of an offence.

(2) If, for the purpose of being drawn, a person takes or retains hold of a motor vehicle or trailer while in motion on a road he is guilty of an offence.

27 Control of dogs on roads.

(1) A person who causes or permits a dog to be on a designated road without the dog being held on a lead is guilty of an offence.

(2) In this section "designated road" means a length of road specified by an order in that behalf of the local authority in whose area the length of road is situated.

(3) The powers which under subsection (2) above are exercisable by a local authority in England and Wales are, 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, exercisable by either authority with the consent of the other.

(4) An order under this section may provide that subsection (1) above shall apply subject to such limitations or exceptions as may be specified in the order, and (without prejudice to the generality of this subsection) subsection (1) above does not apply to dogs proved—

(a) to be kept for driving or tending sheep or cattle in the course of a trade or business, or

(b) to have been at the material time in use under proper control for sporting purposes.

(5) An order under this section shall not be made except after consultation with the chief officer of police.

(6) The Secretary of State may make regulations—

(a) prescribing the procedure to be followed in connection with the making of orders under this section, and

(b) requiring the authority making such an order to publish in such manner as may be prescribed by the regulations notice of the making and effect of the order.

(7) In this section "local authority" means—

(a) in relation to England and Wales, the council of a county, metropolitan district or London borough or the Common Council of the City of London, and

(b) in relation to Scotland, a **[**F60council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]**.

(8) The power conferred by this section to make an order includes power, exercisable in like manner and subject to the like conditions, to vary or revoke it.

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Textual Amendments

F60 Words in s. 27(7)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 159(2)**; S.I. 1996/323, **art. 4(1)(b)(c)**

Modifications etc. (not altering text)

C23 s. 27(6): transfer of certain functions (1.7.1999) by S.I. 1999/1750, **arts. 1(1)** 2, Sch. 1 (with art. 7); S.I. 1998/3178, **art. 3**
S. 27(6): transfer of functions (1.7.1999) by S.I. 1999/672, arts. 1, 2, **Sch. 1**

Cycling offences and cycle racing

[F61 28 Dangerous cycling.

(1) A person who rides a cycle on a road dangerously is guilty of an offence.

(2) For the purposes of subsection (1) above a person is to be regarded as riding dangerously if (and only if)—

(a) the way he rides falls far below what would be expected of a competent and careful cyclist, and

(b) it would be obvious to a competent and careful cyclist that riding in that way would be dangerous.

(3) In subsection (2) above "dangerous" refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of that subsection what would be obvious to a competent and careful cyclist in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.]

Textual Amendments

F61 S. 28 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 7**; S.I. 1992/1286, **art. 2**,Sch.

29 Careless, and inconsiderate, cycling.

If a person rides a cycle on a road without due care and attention, or without reasonable consideration for other persons using the road, he is guilty of an offence.

F62 ...

Textual Amendments

F62 Words in s. 29 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.

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30 Cycling when under influence of drink or drugs.

(1) A person who, when riding a cycle on a road or other public place, is unfit to ride through drink or drugs (that is to say, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the cycle) is guilty of an offence.

(2) In Scotland a constable may arrest without warrant a person committing an offence under this section.

F63(3) . . . . . .

Textual Amendments

F63 S. 30(3) 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.

31 Regulation of cycle racing on public ways.

(1) A person who promotes or takes part in a race or trial of speed on a public way between cycles is guilty of an offence, unless the race or trial—

(a) is authorised, and

(b) is conducted in accordance with any conditions imposed,

by or under regulations under this section.

(2) The Secretary of State may by regulations authorise, or provide for authorising, for the purposes of subsection (1) above, the holding on a public way other than a bridleway—

(a) of races or trials of speed of any class or description, or

(b) of a particular race or trial of speed,

in such cases as may be prescribed and subject to such conditions as may be imposed by or under the regulations.

(3) Regulations under this section may—

(a) prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations, and

(b) make different provision for different classes or descriptions of race or trial.

(4) Without prejudice to any other powers exercisable in that behalf, the chief officer of police may give directions with respect to the movement of, or the route to be followed by, vehicular traffic during any period, being directions which it is necessary or expedient to give in relation to that period to prevent or mitigate—

(a) congestion or obstruction of traffic, or

(b) danger to or from traffic,

in consequence of the holding of a race or trial of speed authorised by or under regulations under this section.

(5) Directions under subsection (4) above may include a direction that any road or part of a road specified in the direction shall be closed during the period to vehicles or to vehicles of a class so specified.

[F64(6) In this section "public way" means, in England and Wales, a highway, and in Scotland, a public road but does not include a footpath.**]**

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F64 S. 31(6) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.49**; ; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C24 S. 31(2): transfer of certain functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**
S. 31(2): transfer of functions (1.7.1999) by S.I. 1999/672, arts. 1, 2, **Sch. 1**

32 Electrically assisted pedal cycles.

(1) An electrically assisted pedal cycle of a class specified in regulations made for the purposes of section 189 of this Act and section 140 of the [M5]Road Traffic Regulation Act 1984 shall not be driven on a road by a person under the age of fourteen.

(2) A person who—

(a) drives such a pedal cycle, or

(b) knowing or suspecting that another person is under the age of fourteen, causes or permits him to drive such a pedal cycle,

in contravention of subsection (1) above is guilty of an offence.

Marginal Citations

M5 1984 c. 27.

Use of motor vehicles away from roads

33 Control of use of footpaths and bridleways for motor vehicle trials.

(1) A person must not promote or take part in a trial of any description between motor vehicles on a footpath or bridleway unless the holding of the trial has been authorised under this section by the local authority.

(2) A local authority shall not give an authorisation under this section unless satisfied that consent in writing to the use of any length of footpath or bridleway for the purposes of the trial has been given by the owner and by the occupier of the land over which that length of footpath or bridleway runs, and any such authorisation may be given subject to compliance with such conditions as the authority think fit.

(3) A person who—

(a) contravenes subsection (1) above, or

(b) fails to comply with any conditions subject to which an authorisation under this section has been granted,

is guilty of an offence.

(4) The holding of a trial authorised under this section is not affected by any statutory provision prohibiting or restricting the use of footpaths or bridleways or a specified footpath or bridleway; but this section does not prejudice any right or remedy of a person as having any interest in land.

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(5) In this section "local authority"—

(a) in relation to England and Wales, means the council of a county, metropolitan district or London borough, and

(b) in relation to Scotland, means a **[**F65council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]**.

Textual Amendments

F65 Words in s. 33(5)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 159(3)**; S.I. 1996/323, **art. 4(1)(b)(c)**

Modifications etc. (not altering text)

C25 S. 33 applied (with modifications) (E.W.) (3.7.2006 for E. and 12.7.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regs. 1, 2, **Sch. Pt. 1**; S.I. 2006/1172; S.I. 2006/1279

[F66**34 Prohibition of driving mechanically propelled vehicles elsewhere than on roads.**

(1) Subject to the provisions of this section, if without lawful authority a person drives a mechanically propelled vehicle—

(a) on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or

(b) on any road being a footpath, bridleway or restricted byway,

he is guilty of an offence.

(2) For the purposes of subsection (1)(b) above, a way shown in a definitive map and statement as a footpath, bridleway or restricted byway is, without prejudice to section 56(1) of the **M6**Wildlife and Countryside Act 1981, to be taken to be a way of the kind shown, unless (subject to section 34A of this Act) the contrary is proved.

(3) It is not an offence under this section to drive a mechanically propelled vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

(4) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(5) It is hereby declared that nothing in this section prejudices the operation of—

(a) section 193 of the **M7**Law of Property Act 1925 (rights of the public over commons and waste lands), or

(b) any byelaws applying to any land,

or affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass or in particular confers a right to park a vehicle on any land.

(6) Subsection (2) above and section 34A of this Act do not extend to Scotland.

(7) In this section—

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"definitive map and statement" has the same meaning as in Part III of the [M8]Wildlife and Countryside Act 1981;

"mechanically propelled vehicle" does not include a vehicle falling within paragraph (a), (b) or (c) of section 189(1) of this Act; and

"restricted byway" means a way over which the public have restricted byway rights within the meaning of Part II of the Countryside and Rights of Way Act 2000, with or without a right to drive animals of any description along the way, but no other rights of way.**]**

Textual Amendments

F66 S. 34 substituted (30.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 5**

Marginal Citations

M6 1981 c. 69.
M7 1925 c. 20.
M8 1981 c. 69.

Directions to traffic and to pedestrians and traffic signs

35 Drivers to comply with traffic directions.

(1) Where a constable is for the time being engaged in the regulation of traffic in a road, a person driving or propelling a vehicle who neglects or refuses—

(a) to stop the vehicle, or

(b) to make it proceed in, or keep to, a particular line of traffic,

when directed to do so by the constable in the execution of his duty is guilty of an offence.

(2) Where—

(a) a traffic survey of any description is being carried out on or in the vicinity of a road, and

(b) a constable gives to a person driving or propelling a vehicle a direction—

(i) to stop the vehicle,

(ii) to make it proceed in, or keep to, a particular line of traffic, or

(iii) to proceed to a particular point on or near the road on which the vehicle is being driven or propelled,

being a direction given for the purposes of the survey (but not a direction requiring any person to provide any information for the purposes of a traffic survey),

the person is guilty of an offence if he neglects or refuses to comply with the direction.

(3) The power to give such a direction as is referred to in subsection (2) above for the purposes of a traffic survey shall be so exercised as not to cause any unreasonable delay to a person who indicates that he is unwilling to provide any information for the purposes of the survey.

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Modifications etc. (not altering text)

C26 S. 35 modified (12.2.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 12(2)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
S. 35 modified (12.2.2002) by 2002 c. 30, s. 41, **Sch. 5 para. 9(2)**; S.I. 2002/2750, **art. 2(a)(iii)**

C27 S. 35(1): power to extend conferred by Road Traffic Regulation Act 1984 (c.27, SIF 107:1), **s. 96(2)(c)(i)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(a)**)
S. 35(1) extended (S.) (21.3.1999) by S.I. 1999/854, **art. 3(2)(b)**

36 Drivers to comply with traffic signs.

(1) Where a traffic sign, being a sign—

(a) of the prescribed size, colour and type, or

(b) of another character authorised by the Secretary of State under the provisions in that behalf of the [M9]Road Traffic Regulation Act 1984,

has been lawfully placed on or near a road, a person driving or propelling a vehicle who fails to comply with the indication given by the sign is guilty of an offence.

(2) A traffic sign shall not be treated for the purposes of this section as having been lawfully placed unless either—

(a) the indication given by the sign is an indication of a statutory prohibition, restriction or requirement, or

(b) it is expressly provided by or under any provision of the Traffic Acts that this section shall apply to the sign or to signs of a type of which the sign is one;

and, where the indication mentioned in paragraph (a) of this subsection is of the general nature only of the prohibition, restriction or requirement to which the sign relates, a person shall not be convicted of failure to comply with the indication unless he has failed to comply with the prohibition, restriction or requirement to which the sign relates.

(3) For the purposes of this section a traffic sign placed on or near a road shall be deemed—

(a) to be of the prescribed size, colour and type, or of another character authorised by the Secretary of State under the provisions in that behalf of the Road Traffic Regulation Act 1984, and

(b) (subject to subsection (2) above) to have been lawfully so placed,

unless the contrary is proved.

(4) Where a traffic survey of any description is being carried out on or in the vicinity of a road, this section applies to a traffic sign by which a direction is given—

(a) to stop a vehicle,

(b) to make it proceed in, or keep to, a particular line of traffic, or

(c) to proceed to a particular point on or near the road on which the vehicle is being driven or propelled,

being a direction given for the purposes of the survey (but not a direction requiring any person to provide any information for the purposes of the survey).

(5) Regulations made by **[**[F67]the Secretary of State for the Environment, Transport and the Regions**]**, the Secretary of State for Wales and the Secretary of State for Scotland

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acting jointly may specify any traffic sign for the purposes of column 5 of the entry in Schedule 2 to the [M10]Road Traffic Offenders Act 1988 relating to offences under this section (offences committed by failing to comply with certain signs involve discretionary disqualification).

Textual Amendments

F67 Words in s. 36(5) substituted (26.1.1998) by S.I. 1997/2971, art. 6(1), **Sch. para. 10**

Modifications etc. (not altering text)

C28 S. 36 applied (with modifications) (30.12.2003) by London Local Authorities and Transport for London Act 2003 (c. iii), **s. 7(4)**

C29 S. 36: power to extend conferred by Road Traffic Regulation Act 1984 (c.27, SIF 107:1), **ss. 64(5)**, 96(2)(c)(i) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 paras. 25(3)(6)(a)**)

C30 S. 36 extended by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 67(2)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(5)**)

C31 S. 36 applied (with modifications) (29.3.1993) by 1993 c. iv, **ss. 25(1)(b)(3)**, 26(1)(b)(3) (with ss. 36, 41(5), 44(1))
S. 36 applied (12.8.1994) by S.I. 1994/1519, **reg. 10(1)** (which S.I. 1994/1519 is revoked (31.1.2003) by S.I. 2002/3113, **reg. 2**)
S. 36 applied (S.) (4.1.1995) by 1994 c. 39, **s. 150(2)**; S.I. 1994/2850, art. 3(a), **Sch. 2**
S. 36 applied (1.3.1998) by S.I. 1997/3053, **reg. 4(2)**
S. 36 applied (31.1.2003) by S.I. 2002/3113, **reg. 10(1)**
S. 36 applied by Police Reform Act 2002 (c. 30), Sch. 4 para. 13A(2) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 11**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))

C32 S. 36(1) excluded (S.) (18.11.2003) by Road Traffic Act 1991 (c. 40), **Sch. 3 para. 2(4)** (as inserted by The Road Traffic Act 1991 (Special Parking Area) (Scotland) Order 2003 (S.S.I 2003/508), {art. 2})

C33 S. 36(5): transfer of certain functions (1.7.1999) by S.I. 1999/672, arts. 1, 2, **Sch. 1**
S. 36(5): transfer of functions (27.12.1999) by S.I. 1999/3143, **art. 2(2)**
S. 36(5) amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7); S.I. 1998/3178, **art. 3**

Marginal Citations

M9 1984 c. 27.

M10 1988 c. 53.

37 Directions to pedestrians.

Where a constable in uniform is for the time being engaged in the regulation of vehicular traffic in a road, a person on foot who proceeds across or along the carriageway in contravention of a direction to stop given by the constable in the execution of his duty, either to persons on foot or to persons on foot and other traffic, is guilty of an offence.

Modifications etc. (not altering text)

C34 S. 37: power to extend conferred by Road Traffic Regulation Act 1984 (c.27, SIF 107:1), **s. 96(2)(c)(i)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 paras. 25(6)(a)**)

C35 S. 37 extended (S.) (21.3.1999) by S.I. 1999/854, **art. 3(2)(b)**

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C36 S. 37 modified (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 12(2)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
S. 37 modified (2.12.2002) by 2002 c. 30, s. 41, **Sch. 5 para. 9(2)**; S.I. 2002/2750, **art. 2(a)(iii)**
S. 37 modified by Police Reform Act 2002 (c. 30), Sch. 4 para. 11B(4) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 10**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))
S. 37 modified by Police Reform Act 2002 (c. 30), Sch. 5 para. 8B(4) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 20**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))

Promotion of road safety

38 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 must lay the proposed alterations before both Houses of Parliament and must 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 must 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 must consult with such representative organisations as he thinks fit.

(6) The Secretary of State must 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 the Traffic Acts, the [M11]Public Passenger Vehicles Act 1981 or sections 18 to 23 of the [M12]Transport Act 1985) be relied upon by any party to the proceedings as tending to establish or 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 [M13]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—

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(a) "statutory provision" means a provision contained in an Act or in subordinate legislation within the meaning of the [M14]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.

Marginal Citations

M11 1981 c. 14.
M12 1985 c. 67.
M13 1930 c. 43.
M14 1978 c. 30.

39 Powers of Secretary of State and local authorities as to giving road safety information and training.

(1) The Secretary of State may, with the approval of the Treasury, provide for promoting road safety by disseminating information or advice relating to the use of roads.

[[F68](2) Each relevant authority—

(a) if it is a local authority, must prepare and carry out a programme of measures designed to promote road safety, or

(b) if it is Transport for London, may prepare and carry out such a programme,

and may contribute towards the cost of measures for promoting road safety taken by other authorities or bodies.**]**

(3) **[**[F69]Each relevant authority—**]**—

(a) must carry out studies into accidents arising out of the use of vehicles

[[F70](i) if it is a local authority,**]** on roads or parts of roads, other than **[**[F71]GLA roads or**][**[F72]roads for which the Secretary of state is highway authority (in Scotland, roads authority)**]** within their area **[**[F73]or

(ii) if it is Transport for London, on GLA roads or parts of GLA roads,**]**

(b) must, in the light of those studies, take such measures as appear to the authority to be appropriate to prevent such accidents, including the dissemination of information and advice relating to the use of roads, the giving of practical training to road users or any class or description of road users, the construction, improvement, maintenance or repair of **[**[F74]roads for the maintenance of which they are responsible**]** and other measures taken in the exercise of their powers for controlling, protecting or assisting the movement of traffic on roads, and

(c) in constructing new roads, must take such measures as appear to the authority to be appropriate to reduce the possibilities of such accidents when the roads come into use.

[(3A) The duties imposed by subsection (3) above are without prejudice to the generality of subsection (2) above and—

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(a) in the case of a local authority, are to be discharged in pursuance of their duty under subsection (2)(a) above; and

(b) in the case of Transport for London, are to be discharged by exercising their powers under subsection (2)(b) above.**]**

(4) In this section

[[F75]"GLA road" has the same meaning as in the [M15]Highways Act 1980 (see sections 329(1) and 14D(1) of that Act);**]**

"local authority" means—

(a) in relation to England and Wales, the council of a county, metropolitan district or London borough or the Common Council of the City of London,

(b) in relation to Scotland, a **[**[F76]council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]**.

[[F77]"relevant authority" means a local authority or Transport for London;**]**.

Textual Amendments

F68 S. 39(2) substituted (3.7.2000) 1999 c. 29, **s. 279(2)**, (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**

F69 Words in s. 39(3) substituted (3.7.2000) by 1999 c. 29, **s. 279(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**

F70 Words in s. 39(3)(a) renumbered as s. 39(3)(a)(i) (3.7.2000) by 1999 c. 29, **s. 279(4)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**

F71 Words in s. 39(3)(a) inserted (3.7.2000) by 1999 c. 29, **s. 279(4)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**

F72 Words in s. 39(3)(a) substituted (1.11.1991) by New Roads and Streets Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 Pt. IV para. 121(3)(a)**(with s. 25(2)) ; S.I. 1991/2286, art. 2(2), **Sch. 2** (for Scotland); S.I. 1991/2288, art. 3, **Sch.** (for E.W.)

F73 S. 39(3)(ii) and word added (3.7.2000) by 1999 c. 29, **s. 279(4)(c)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**

F74 Words in s. 39(3)(b) substituted (1.11.1991) by New Roads and Streets Works Act 1991 (c. 22, SIF 107:1), s. 168(1), **Sch. 8 para. 121** (3)(b)(with s. 25(2)); S.I. 1991/2286, art. 2(2), **Sch. 2** (for Scotland); S.I. 1991/2288, art. 3, **Sch.** (for E.W.)

F75 Definition of "GLA roads" in s. 39(4) inserted (3.7.2000) by 1999 c. 29, **s. 279(6)**, (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**

F76 Words in s. 39(4)(b) substituted (S.) (1.4.1996) by 1994 C. 39, s. 180(1), Sch. 13 para. 159(4); S.I. 1996/323, **art. 4(1)(b)(c)**

F77 Definition of "relevant authority" in s. 39(4) inserted (3.7.2000) by 1999 c. 29, **s. 279(6)**, (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. III**

Modifications etc. (not altering text)

C37 S. 39: transfer of functions (1.7.1999) by 1998 c. 46, **ss. 53**, 56(1)(i) (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**

C38 S. 39(1): functions exercisable by the Assembly are to run concurrently with the Secretary of state (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 2(1)**

Marginal Citations

M15 1980 c. 66.

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40 Powers of Secretary of State to subsidise bodies other then local authorities for giving road safety information and training.

The Secretary of State may, with the approval of the Treasury, make out of monies provided by Parliament contributions towards the cost of measures for promoting road safety, being measures taken by **[**F78authorities or bodies other than**]** local authorities (within the meaning of section 39 of this Act) **[**F79or by other authorities or bodies**]**.

Textual Amendments

F78 Words in s. 40 repealed (S.) (1.4.2001) by 2001 asp 2, **s. 76(a)** (with s. 66); S.S.I. 2001/132, art. 2, **Sch. Pt. I**

F79 Words in s. 40 inserted (S.) (1.4.2001) by 2001 asp 2, **s. 76(b)** (with s. 66); S.S.I. 2001/132, art. 2, **Sch. Pt. I**

Modifications etc. (not altering text)

C39 S. 40: transfer of functions (1.7.1999) by 1998 c. 46, **ss. 53**, 56(1)(i) (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**
S. 40 modified (1.7.1999) by S.I. 1999/672, arts. 1, 2, **Sch. 1**

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

Modifications etc. (not altering text)

C40 Pt. II modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

[F80Using vehicle in dangerous condition

Textual Amendments

F80 S. 40A and cross heading inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 8(1)**; S.I. 1992/1286, **art. 2**,Sch.

F81 40A Using vehicle in dangerous condition etc.

A person is guilty of an offence if he uses, or causes or permits another to use, a motor vehicle or trailer on a road when—

(a) the condition of the motor vehicle or trailer, or of its accessories or equipment, or

(b) the purpose for which it is used, or

(c) the number of passengers carried by it, or the manner in which they are carried, or

(d) the weight, position or distribution of its load, or the manner in which it is secured,

is such that the use of the motor vehicle or trailer involves a danger of injury to any person.**]**

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F81 S. 40A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 8(1)**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C41 S. 40A restricted (1.7.1992) by S.I. 1992/1217, **regs.7**,9 (with reg. 11).

General regulation of construction, use etc.

41 Regulation of construction, weight, equipment and use of vehicles.

(1) The Secretary of State may make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used.

Subsections (2) to (4) below do not affect the generality of this subsection.

(2) In particular, the regulations may make provision with respect to any of the following matters—

(a) the width, height and length of motor vehicles and trailers and the load carried by them, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers,

(b) the emission or consumption of smoke, fumes or vapour and the emission of sparks, ashes and grit,

(c) noise,

(d) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area of the road by a motor vehicle or trailer of any class or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested,

(e) the particulars to be marked on motor vehicles and trailers **[**F82(by means of the fixing of plates or otherwise) and the circumstances in which they are to be marked,**]**,

(f) the towing of or drawing of vehicles by motor vehicles,

(g) the number and nature of brakes, and for securing that brakes, silencers and steering gear are efficient and kept in proper working order,

(h) lighting equipment and reflectors,

(j) the testing and inspection, by persons authorised by or under the regulations, of the brakes, silencers, steering gear, tyres, lighting equipment and reflectors of motor vehicles and trailers on any premises where they are (if the owner of the premises consents),

[F83(jj) speed limiters,**]**

(k) the appliances to be fitted for—

(i) signalling the approach of a motor vehicle, or

(ii) enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or

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(iii) intimating any intended change of speed or direction of a motor vehicle,

and the use of any such appliance, and for securing that any such appliance is efficient and kept in proper working order,

(l) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, being appliances for signalling by sound, at any times, or on or in any roads or localities, specified in the regulations.

(3) The Secretary of State may, as respects goods vehicles, make regulations under this section—

(a) prescribing other descriptions of weight which are not to be exceeded in the case of such vehicles,

F84(b) . . . . . .

F84(c) . . . . . .

(d) providing that weights of any description or other particulars which are to be marked on particular goods vehicles may be determined in accordance with regulations under section 49 of this Act.

(4) Regulations under this section with respect to lighting equipment and reflectors—

(a) may require that lamps be kept lit at such times and in such circumstances as may be specified in the regulations, and

(b) may extend, in like manner as to motor vehicles and trailers, to vehicles of any description used on roads, whether or not they are mechanically propelled.

[F85(4A) Regulations under this section with respect to speed limiters may include provision—

(a) as to the checking and sealing of speed limiters by persons authorised in accordance with the regulations and the making of charges by them,

(b) imposing or providing for the imposition of conditions to be complied with by authorised persons,

(c) as to the withdrawal of authorisations.**]**

(5) Different regulations may be made under this section as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects roads in different localities.

(6) In framing regulations under this section prescribing a weight of any description which is not to be exceeded in the case of goods vehicles of a class for which a certificate of conformity or Minister's approval certificate may be issued under section 57 or 58 of this Act the Secretary of State must have regard to the design weight of the like description determined by virtue of section 54 of this Act for vehicles of that class and must secure that the first-mentioned weight does not exceed the design weight.

(7) In this Part of this Act—

"construction and use requirements" means requirements, whether applicable generally or at specified times or in specified circumstances, imposed under this section,

"plated particulars" means such particulars as are required to be marked on a goods vehicle in pursuance of regulations under this section by means of a plate,

"plated weights" means such weights as are required to be so marked.

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Subordinate Legislation Made

P2 S. 41 power exercised (20.9.1991) by S.I. 1991/2125 and (3.12.1991) by S.I. 1991/2710

P3 S. 41(1)(2)(5): s. 41(1) (with s. 41(2) and (5)) power exercised (4.7.1991) by S.I. 1991/1526

P4 S. 41(1)(5): s. 41(1) (with s. 41(5)) power exercised (4.7.1991) by S.I. 1991/1527 and (5.9.1991) by S.I. 1991/2003

Textual Amendments

F82 Words in s. 41(2)(e) added (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 50(2)**; S.I. 1992/421, **art. 2**,Sch.

F83 S. 41(2)(jj) inserted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 50(3)**; S.I. 1992/421, **art. 2**,Sch.

F84 S. 41(3)(b)(c) repealed (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/421, **art. 2**,Sch.

F85 S. 41(4A) inserted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 50(4)**; S.I. 1992/421, **art. 2**,Sch.

[F86 41A Breach of requirement as to brakes, steering-gear or tyres.

A person who—

(a) contravenes or fails to comply with a construction and use requirement as to brakes, steering-gear or tyres, or

(b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

is guilty of an offence.**]**

Textual Amendments

F86 Ss. 41A, 41B, 42 substituted (1.7.1992) for s. 42 by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 8(2)**; S.I. 1992/1286, **art. 2**,Sch.

[F87 41B Breach of requirement as to weight: goods and passenger vehicles.

(1) A person who—

(a) contravenes or fails to comply with a construction and use requirement as to any description of weight applicable to—

(i) a goods vehicle, or

(ii) a motor vehicle or trailer adapted to carry more than eight passengers, or

(b) uses on a road a vehicle which does not comply with such a requirement, or causes or permits a vehicle to be so used,

is guilty of an offence.

(2) In any proceedings for an offence under this section in which there is alleged a contravention of or failure to comply with a construction and use requirement as to any description of weight applicable to a goods vehicle, it shall be a defence to prove either—

(a) that at the time when the vehicle was being used on the road—

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(i) it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed, or

(ii) it was proceeding from a weighbridge after being weighed to the nearest point at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road, or

(b) in a case where the limit of that weight was not exceeded by more than 5 per cent.—

(i) that that limit was not exceeded at the time when the loading of the vehicle was originally completed, and

(ii) that since that time no person has made any addition to the load.**]**

Textual Amendments

F87 Ss. 41A, 41B, 42 substituted (1.7.1992) for s. 42 by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 8(2)**; S.I. 1992/1286, **art. 2**,Sch.

PROSPECTIVE

[F88 41C Breach of requirement as to speed assessment equipment detection devices

A person who—

(a) contravenes or fails to comply with a construction or use requirement as to speed assessment equipment detection devices, or

(b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

is guilty of an offence.**]**

Textual Amendments

F88 S. 41C inserted (prosp.) by Road Safety Act 2006 (c. 49), **ss. 18(2)**, 61

Modifications etc. (not altering text)

C42 S. 41C excluded (17.4.2019) by The Motor Sport on Public Roads (Scotland) Regulations 2019 (S.S.I. 2019/138), regs. 1, 6, **sch. 2**

VALID FROM 27/02/2007

[F89 41D Breach of requirements as to control of vehicle, mobile telephones etc.

A person who contravenes or fails to comply with a construction and use requirement—

(a) as to not driving a motor vehicle in a position which does not give proper control or a full view of the road and traffic ahead, or not causing or permitting the driving of a motor vehicle by another person in such a position, or

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(b) as to not driving or supervising the driving of a motor vehicle while using a hand-held mobile telephone or other hand-held interactive communication device, or not causing or permitting the driving of a motor vehicle by another person using such a telephone or other device,

is guilty of an offence.**]**

Textual Amendments

F89 S. 41D inserted (27.2.2007) by Road Safety Act 2006 (c. 49), **ss. 26(1)**, 61; S.I. 2007/237, **art. 2(a)**

[F90 42 Breach of other construction and use requirements.

A person who—

(a) contravenes or fails to comply with any construction or use requirement other than one within section 41A(a) or 41B(1)(a) of this Act, or

(b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

is guilty of an offence.**]**

Textual Amendments

F90 Ss. 41A, 41B, 42 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 8**; S.I. 1992/1286, art. 2, **Sch.**

43 Temporary exemption from application of regulations under section 41.

(1) Subject to subsections (2) to (4) below, where any regulations under section 41 of this Act contain provisions varying the requirements as regards the construction or weight of any class of vehicles, provision shall be made by the regulations for exempting from those provisions for such period, not being less than five years, as may be specified in the regulations any vehicle of that class registered under **[**F91the Vehicle Excise and Registration Act 1994**]** before the expiration of one year from the making of the regulations.

(2) No such provision contained in regulations under section 41 as imposes or varies requirements with respect to the braking systems with which motor vehicles must be equipped shall be taken, for the purposes of subsection (1) above or of any other provision of the regulations, to be one relating to the construction of vehicles.

(3) Where regulations under section 41 contain provisions varying the requirements as regards the construction or weight of any class of vehicle, and the Secretary of State is satisfied—

(a) that it is requisite that those provisions shall apply at a date specified in the regulations to vehicles registered before the expiration of one year from the making of the regulations, or to such of them as are specified in the regulations, and

(b) that no undue hardship or inconvenience will be caused by their application then to those vehicles,

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then, if the regulations state that the Secretary of State is so satisfied, subsection (1) above shall not apply in relation to those provisions.

(4) Subsection (1) above shall not apply in relation to—

(a) regulations made with respect to any description of weight of goods vehicles, other than their maximum unladen weight, or

(b) regulations made by virtue of section 41(3) of this Act.

Textual Amendments

F91 Words in s. 43(1) substituted (1.9.1994) by 1994 c. 22, **ss. 63**, 66(1) (with s. 57(4))

44 Authorisation of use on roads of special vehicles not complying with regulations under section 41.

(1) The Secretary of State may by order authorise, subject to such restrictions and conditions as may be specified by or under the order, the use on roads—

(a) of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials,

(b) of vehicles or trailers, or types of vehicles or trailers, constructed for use outside the United Kingdom,

(c) of new or improved types of motor vehicles or trailers, whether wheeled or wheelless, or of motor vehicles or trailers equipped with new or improved equipment or types of equipment, and

(d) of vehicles or trailers carrying loads of exceptional dimensions,

[[F92]and sections 40A to 42 of this Act shall not apply in relation to**]** the use of such vehicles, trailers, or types in accordance with the order.

(2) The Secretary of State may by order make provision for securing that, subject to such restrictions and conditions as may be specified by or under the order, regulations under section 41 of this Act shall have effect in their application to such vehicles, trailers and types of vehicles and trailers as are mentioned in subsection (1) above subject to such modifications or exceptions as may be specified in the order.

(3) The powers conferred by this section on the Secretary of State to make orders shall be exercisable by statutory instrument except in the case of orders applying only to specified vehicles or to vehicles of specified persons, but in that excepted case (as in others) the order may be varied or revoked by subsequent order of the Secretary of State.

Textual Amendments

F92 Words in s. 44(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.51**; S.I. 1992/1286, **art. 2**,Sch.

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Tests of vehicles other than goods vehicles to which section 49 applies

45 Tests of satisfactory condition of vehicles.

(1) This section applies to motor vehicles other than goods vehicles which are required by regulations under section 49 of this Act to be submitted for a vehicle test under that section and has effect for the purpose of ascertaining whether the **[**F93 following requirements are complied with, namely—

(a) the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment, and

(b) the requirement that the condition of motor vehicles should not be such that their use on a road would involve a danger of injury to any person.**]**

(2) The Secretary of State may by regulations make provision—

(a) for the examination of vehicles submitted for examination under this section, and

(b) for the issue, where it is found on such an examination that the requirements mentioned in subsection (1) above are complied with, of a certificate (in this Act referred to as a "test certificate") that at the date of the examination the requirements were complied with in relation to the vehicle.

(3) Examinations for the purposes of this section shall be carried out by—

(a) persons, not being officers of the Secretary of State, authorised for those purposes by the Secretary of State (in this section and section 46 of this Act referred to as "authorised examiners"),

[F94(za) individuals who are nominated by, and act under the supervision of, authorised examiners and are approved by the Secretary of State (in this section and section 46 of this Act referred to as "nominated testers"),**]**

[F95(b) examiners appointed under section 66A of this Act**]**

[F96(c) inspectors who are—

(i) appointed by any council designated by the Secretary of State for the purposes of this section and section 46 of this Act, being the council of a county, district or London borough or the Common Council of the City of London or a council constituted under section 2 of the M16Local Government etc. (Scotland) Act 1994, and

(ii) approved by the Secretary of State.**]**

(4) Where a test certificate is refused, **[**F97the person carrying out the examination**]** must issue a notification of the refusal stating the grounds of the refusal, and a person aggrieved by the refusal or the grounds of the refusal may appeal to the Secretary of State.

(5) On any such appeal the Secretary of State must cause a further examination to be made and either issue a test certificate or issue a notification of the refusal stating the grounds of the refusal.

(6) For the purposes of their functions under this section the Secretary of State or a council designated for the purposes of this section may provide and maintain—

(a) stations where examinations under this section may be carried out, and

(b) apparatus for carrying out such examinations.

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[F98(6A) The Secretary of State may provide, or make arrangements for the provision of, courses of instruction in connection with the carrying out of examinations under this section; and may charge prescribed fees in respect of attendance on such courses.

(6B) The Secretary of State shall maintain, or cause to be maintained, records containing such particulars as he thinks fit of—

(a) vehicles submitted for examination under this section, and

(b) the carrying out of and the results of the examinations.**]**

(7) The Secretary of State may make regulations under this section for the purpose of giving effect to this section and for prescribing anything authorised by this section and section 46 of this Act to be prescribed.

(8) In its application to vehicles in which recording equipment is required by Article 3 of the Community Recording Equipment Regulation to be installed and used, this section shall have effect as if any reference to prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment included a reference to the prescribed requirements of so much of that Regulation as relates to the installation of recording equipment and the seals to be fixed to such equipment.

Subordinate Legislation Made

P5 S. 45 (with ss. 46 and 47(5)): power exercised by S.I. 1991/253
S. 45 (with s. 46): power exercised by S.I. 1991/455
For previous exercises of power under s. 45 see Index to Government Orders

P6 S. 45: s. 45 (with s. 46) power exercised (4.7.1991) by S. I. 1991/1525 and (7.10.1991) by S.I. 1991/2229

P7 S. 45 (with s. 46) power exercised (9.12.1991) by S.I. 1991/2791

Textual Amendments

F93 Words in s. 45(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 52(2)**; S.I. 1992/1286, art. 2, **Sch.**

F94 S. 45(3)(za) inserted (11.4.2003) by 1999 c. 12, ss. 1(1)(a), 9(2); S.I. 2003/1095, **art. 2**

F95 S. 45(3)(b) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 52(3)**; S.I. 1992/1286, art. 2, **Sch.**

F96 S. 45(3)(c) substituted (11.4.2003) by 1999 c. 12, s. 1(1)(b), 9(2); S.I. 2003/1095, **art. 2**

F97 Words in s. 45(4) substituted (11.4.2003) by 1999 c. 12, s. 1(2), 9(2); S.I. 2003/1095, **art. 2**

F98 S. 45(6A)(6B) inserted (1.6.2001 for certain purposes and otherwise 11.4.2003) by 1999 c. 12, ss. 1(3), 9(2); S.I. 2001/1896, art. 2(1); S.I. 2003/1095, **art. 2**

Marginal Citations

M16 1994 c.39.

[F99 46 Regulations under section 45.

(1) Regulations under section 45 of this Act may, in particular, make provision as to—

(a) the authorisation of examiners, the nomination and approval of nominated testers, the appointment and approval of inspectors and the designation of councils in accordance with subsection (3) of that section,

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(b) the imposition of conditions to be complied with by the persons referred to in paragraph (a) above,

(c) the circumstances in which a person ceases to be an authorised examiner, a nominated tester or an inspector or in which a council ceases to be designated,

(d) the manner in which, conditions under which and apparatus with which examinations are carried out, the maintenance of that apparatus in an efficient state, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out,

(e) the supervision of examinations and of the premises at which examinations are carried out,

(f) the manner in which applications may be made for the examination of vehicles under section 45 of this Act, the manner in which and time within which appeals may be brought under subsection (4) of that section, the information to be supplied and documents to be produced on such an application, examination or appeal, the fees to be paid on such an application or appeal, and the repayment of the whole or part of the fee paid on such an appeal where it appears to the Secretary of State that there were substantial grounds for contesting the whole or part of the decision appealed against,

(g) the form of, and particulars to be contained in, test certificates and notifications of the refusal of test certificates and the conditions which must be satisfied before such certificates and notifications may be issued,

(h) the issue of duplicates or copies of test certificates and the fees to be paid on applications for such duplicates or copies,

(i) the correction of errors in test certificates,

(j) the charges to be paid by authorised examiners or designated councils to the Secretary of State in connection with—

(i) the issue of test certificates or notifications of the refusal of test certificates,

(ii) the issue of duplicates or copies of test certificates, and

(iii) the correction of errors in test certificates,

(k) the keeping by authorised examiners and designated councils of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed, and

(l) the keeping of records by authorised examiners and designated councils and the providing by them of returns and information to the Secretary of State.

(2) The conditions which may be imposed by virtue of subsection (1)(b) above include conditions—

(a) relating to the successful completion of courses of instruction provided under section 45(6A) of this Act, and

(b) requiring the payment of prescribed fees to the Secretary of State in respect of applications for, or the continuation of, the Secretary of State's authorisation, approval or designation.

(3) The provision which may be made by virtue of subsection (1)(e) above includes provision—

(a) requiring supervision to be provided by individuals who are nominated by authorised examiners or designated councils, in respect of particular premises, and are approved by the Secretary of State (in this subsection referred to as "nominated supervisors"),

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(b) as to the imposition of conditions (including conditions described in subsection (2) above) to be complied with by any nominated supervisor, and

(c) as to the circumstances in which a person ceases to be a nominated supervisor.

(4) The provision which may be made by virtue of subsection (1)(j) above includes provision requiring—

(a) the making to the Secretary of State at prescribed times of payments, of such amounts as may be determined by him in accordance with the regulations, on account of charges that may become payable, and

(b) where forms for test certificates and notifications of the refusal of test certificates are supplied by the Secretary of State, the payment to him of charges for the supply of such forms;

and for the repayment, in prescribed circumstances, of such payments received by the Secretary of State.

(5) Regulations under section 45 of this Act may provide for the Secretary of State to make available for use by prescribed persons any particulars contained in the records maintained under section 45(6B) of this Act on payment, in prescribed cases, of a fee of such amount as appears to the Secretary of State to be reasonable in the circumstances of the case.

(6) Regulations under section 45 of this Act may also provide for the sale of particulars contained in, or information derived from, those records—

(a) to such persons as the Secretary of State thinks fit, and

(b) for such price and on such other terms, and subject to such restrictions, as he thinks fit;

if those particulars do not (or that information does not) identify the premises at which any examination was carried out or any person concerned with the carrying out of the examination.

(7) Regulations under that section may—

(a) make different provision in relation to different cases or classes of cases, and

(b) contain such incidental, supplemental or transitional provisions or savings as the Secretary of State thinks fit.**]**

Textual Amendments

F99 S. 46 substituted (11.4.2003) by 1999 c. 12 , ss. 2, 9(2); S.I. 2003/1095, **art. 2**

[F100 46A Use of records of vehicle examinations, etc.

(1) This section applies to—

(a) the records maintained by the Secretary of State (or caused by him to be maintained) under section 45(6B) of this Act, and

(b) the records maintained by the Secretary of State in connection with any functions exercisable by him under or by virtue of the M17 Vehicle Excise and Registration Act 1994.

(2) The Secretary of State may use the information contained in records falling within either paragraph of subsection (1) above—

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(a) to check the accuracy of the records falling within the other paragraph of that subsection, and

(b) where appropriate, to amend or supplement information contained in those records.

(3) The Secretary of State may also use the information contained in records falling within paragraph (b) of that subsection for the purpose of promoting compliance with section 47 of this Act.

(4) This section does not limit any powers of the Secretary of State apart from this section.**]**

Textual Amendments

F100 S. 46A inserted (1.6.2001) by 1999 c. 12, **s. 3**; S.I. 2001/1896, **art. 2(2)**

Marginal Citations

M17 1994 c.22.

[F101 46B Evidence from records of vehicle examinations.

(1) A statement to which this section applies is admissible in any proceedings as evidence (or, in Scotland, sufficient evidence) of any fact stated in it with respect to—

(a) the issue of a test certificate in respect of a vehicle, and

(b) the date of issue of such a certificate,

to the same extent as oral evidence of that fact is admissible in the proceedings.

(2) This section applies to a statement contained in a document purporting to be—

(a) a part of the records maintained under section 45(6B) of this Act,

(b) a copy of a document forming part of those records, or

(c) a note of any information contained in those records,

and to be authenticated by a person authorised to do so by the Secretary of State.

(3) In this section as it has effect in England and Wales—

"document" means anything in which information of any description is recorded;

"copy", in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly; and

"statement" means any representation of fact, however made.

(4) In this section as it has effect in Scotland, "document" and "statement" have the same meanings as in section 17(3) of the [M18]Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and the reference to a copy of a document shall be construed in accordance with section 17(4) of that Act.

(5) Nothing in subsection (4) above limits to civil proceedings the reference to proceedings in subsection (1) above.**]**

Textual Amendments

F101 S. 46B inserted (11.4.2003) by 1999 c. 12, ss. 4, 9(2); S.I. 2003/1095, **art. 2**

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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Marginal Citations
M18 1968 c.70.

47 Obligatory test certificates.

(1) A person who uses on a road at any time, or causes or permits to be so used, a motor vehicle to which this section applies, and as respects which no test certificate has been issued within the appropriate period before that time, is guilty of an offence.

In this section and section 48 of this Act, the "appropriate period" means a period of twelve months or such shorter period as may be prescribed.

(2) Subject to subsections (3) and (5) below, the motor vehicles to which this section applies at any time are—

(a) those first registered **[**F102under the Vehicle Excise and Registration Act 1994 or any corresponding earlier legislation**]**, not less than three years before that time, and

(b) those which, having a date of manufacture not less than three years before that time, have been used on roads (whether in Great Britain or elsewhere) before being **[**F103so registered**]**,

being, in either case, motor vehicles other than goods vehicles which are required by regulations under section 49 of this Act to be submitted for a goods vehicle test.

(3) As respects a vehicle being—

(a) a motor vehicle used for the carriage of passengers and with more than eight seats, excluding the driver's seat, or

(b) a taxi (as defined in section 64 (3) of the M19Transport Act 1980), being a vehicle licensed to ply for hire, or

(c) an ambulance, that is to say, a motor vehicle which is constructed or adapted, and primarily used, for the carriage of persons to a place where they will receive, or from a place where they have received, medical or dental treatment, and which, by reason of design, marking or equipment is readily identifiable as a vehicle so constructed or adapted,

subsection (2)(a) above shall have effect as if for the period there mentioned there were substituted a period of one year.

[F104(4) For the purposes of subsection (2)(b) above there shall be disregarded—

(a) the use of a vehicle before it is sold or supplied by retail, and

(b) the use of a vehicle to which a motor dealer has assigned a mark under **[**F105section 24 of the Vehicle Excise and Registration Act 1994**]]** before it is registered by the Secretary of State under **[**F106section 21(2)**]** of that Act.

(5) This section does not apply to vehicles of such classes as may be prescribed.

(6) The Secretary of State may by regulations exempt from subsection (1) above the use of vehicles for such purposes as may be prescribed.

(7) The Secretary of State may by regulations exempt from subsection (1) above the use of vehicles in any such area as may be prescribed.

(8) For the purposes of this section the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by

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retail, and in that excepted case shall be taken to be the last day of the year during which the modifications are completed.

(9) The Secretary of State may by order made by statutory instrument direct that subsection (2) above shall have effect with the substitution, for three years (in both places), of such other period (not being more than ten years) as may be specified in the order.

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

Subordinate Legislation Made

P8 S. 47 for previous exercises of power see Index to Government Orders

P9 S. 45 (with ss. 46 and 47(5)) power exercised by S. I. 1991/253

Textual Amendments

F102 Words in s. 47(2)(a) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(2)(a)** (with s. 57(4))

F103 Words in s. 47(2)(b) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(2)(b)** (with s. 57(4))

F104 S. 47(4) substituted (1.6.1994) by 1994 c. 9, s. 5, Sch. 2 paras. 25, **29**

F105 Words in s. 47(4)(b) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(2)(c)(i)** (with s. 57(4))

F106 Words in s. 47(4)(b) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(2)(c)(ii)** (with s. 57(4))

Marginal Citations

M19 1980 c. 34.

48 Supplementary provisions about test certificates.

(1) For the purpose of spreading the work of issuing certificates in contemplation of a change in—

(a) the length of the appropriate period, or

(b) the length of the period specified in section 47(2)(a) and (b) of this Act,

(and whether for the purposes of that section or section 66 of this Act), the order or, as the case may be, regulations changing the length of that period may be made so as to come into operation on different days as respects vehicles first registered under any of the enactments mentioned in section 47(2) of this Act at different times.

[F107(1A) A test certificate issued in respect of a vehicle within the period of one month ending immediately before the date on which section 47 of this Act first applies to the vehicle shall be treated for the purposes of that section as if issued at the end of that period.**]**

(2) Where—

(a) within the appropriate period after a test certificate is issued or treated for the purposes of section 47 of this Act as issued, but

(b) not earlier than one month before the end of that period,

a further test certificate is issued as respects the same vehicle, the further certificate shall be treated for the purposes of that section as if issued at the end of the appropriate period.

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(3) Where the particulars contained in a test certificate in accordance with regulations made under section 45 of this Act include a date of expiry falling later, but not more than one month later, than the end of the appropriate period after the date on which it is issued—

(a) the certificate shall be deemed to have been issued in respect of the same vehicle as an earlier test certificate, and

(b) the date on which it was issued shall be deemed to have been a date falling within the last month of the appropriate period after the date on which that earlier certificate was issued or treated for the purposes of section 47 of this Act as issued;

and any date of expiry contained in a test certificate shall be deemed to have been entered in accordance with regulations under section 45 of this Act unless the contrary is proved.

(4) The Secretary of State may by regulations make provision for the issue, in such circumstances as may be prescribed, of a certificate of temporary exemption in respect of a public service vehicle adapted to carry more than eight passengers, exempting that vehicle from the provisions of section 47(1) of this Act for such period as may be specified in the certificate.

(5) In relation to any public service vehicle so adapted—

(a) subsections **[**F108(1A),**]** (2) and (3) above shall have effect as if for "one month" (in **[**F109each place**]**) there were substituted "two months", and

(b) subsection (3) above shall have effect as if for "last month" there were substituted "last two months".

F110(6) . . . . . .

Textual Amendments

F107 S. 48(1A) inserted (1.7.1996) by S.I. 1996/1700, **art. 2(2)**

F108 Words in s. 48(5)(a) inserted (1.7.1996) by S.I. 1996/1700, **art. 2(3)(a)**

F109 Words in s. 48(5)(a) substituted (1.7.1996) by S.I. 1996/1700, **art. 2(3)(b)**

F110 S. 48(6) 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.**

Tests of certain classes of goods vehicles

49 Tests of satisfactory condition of goods vehicles and determination of plated weights, etc.

(1) The Secretary of State may by regulations make provision for the examination of goods vehicles of any prescribed class—

(a) for the purpose of selecting or otherwise determining plated weights or other plated particulars for goods vehicles of that class, or

(b) for the purpose of ascertaining whether any prescribed construction and use requirements (whether relating to plated particulars or not) are complied with in the case of goods vehicles of that class, **[**F111or

(c) for the purpose of ascertaining whether the condition of the vehicle is such that its use on a road would involve a danger of injury to any person,

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or for any of those purposes.**]**

(2) In particular the regulations may make provision—

(a) for the determination, according to criteria or by methods prescribed by or determined under the regulations, of the plated particulars for a goods vehicle (including its plated weights), on an examination of the vehicle for the purpose, and for the issue on such an examination, except as provided by regulations made by virtue of paragraph (c) of this subsection, of a certificate (in this Act referred to as a "plating certificate") specifying those particulars,

(b) for the issue, for a goods vehicle which has been found on examination for the purpose to comply with the prescribed construction and use requirements **[**F112and the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person**]**, of a certificate (in this Act referred to as a "goods vehicle test certificate") stating that the vehicle has been found so to comply, and

(c) for the refusal of a goods vehicle test certificate for a goods vehicle which is so found not to comply with those requirements and for requiring a written notification to be given—

(i) of any such refusal, and

(ii) of the grounds of the refusal,

and for the refusal of a plating certificate where a goods vehicle test certificate is refused.

(3) References in subsections (1) and (2) above to construction and use requirements shall be construed—

(a) in relation to an examination of a vehicle solely for the purpose of ascertaining whether it complies with any such requirements, as references to such of those requirements as are applicable to the vehicle at the time of the test, and

(b) in relation to an examination of a vehicle both for that purpose and for the purpose of determining its plated particulars, as references to such of those requirements as will be applicable to the vehicle if a plating certificate is issued for it.

(4) In this Part of this Act—

"examination for plating" means an examination under regulations under this section for the purpose of determining plated particulars for a goods vehicle, and

"goods vehicle test" means an examination under regulations under this section for the purpose of ascertaining whether any prescribed construction and use requirements **[**F113, or the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person,**]** are complied with in the case of a goods vehicle.

(5) In its application to vehicles in which recording equipment is required by Article 3 of the Community Recording Equipment Regulation to be installed and used, this section shall have effect as if any reference to prescribed construction and use requirements included a reference to prescribed requirements of so much of that Regulation as relates to the installation of recording equipment and the seals to be fixed to such equipment.

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Subordinate Legislation Made

P10 S. 49 (with s. 51(1)) power exercised by S.I. 1991/252.
S. 49 (with s. 51(1)) power exercised by S.I. 1991/454
S. 49: for exercises of this power see Index to Government Orders.

Textual Amendments

F111 Words in s. 49(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 54(2)**; S.I. 1992/1286, **art. 2**,Sch.

F112 Words in s. 49(2)(b) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 54(3)**; S.I. 1992/1286, **art. 2**,Sch.

F113 Words in s. 49(4) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 54(4)**; S.I. 1992/1286, **art. 2**,Sch.

PROSPECTIVE

[F114 49A Use of records of goods vehicle examinations, etc.

(1) This section applies to—

(a) the records maintained by the Secretary of State (or caused by him to be maintained) under section 49(3A) of this Act, and

(b) the records maintained by the Secretary of State in connection with any functions exercisable by him under or by virtue of the Vehicle Excise and Registration Act 1994.

(2) The Secretary of State may use the information contained in records falling within either paragraph of subsection (1) above—

(a) to check the accuracy of the records falling within the other paragraph of that subsection, and

(b) where appropriate, to amend or supplement information contained in those records.

(3) The Secretary of State may also use the information contained in records falling within paragraph (b) of that subsection for the purpose of promoting compliance with section 53 of this Act.

(4) This section does not limit any powers of the Secretary of State apart from this section.]

Textual Amendments

F114 S. 49A inserted (prosp.) by Road Safety Act 2006 (c. 49), **ss. 48(2)**, 61

50 Appeals against determinations.

(1) Any person aggrieved by a determination made on an examination under regulations under section 49 of this Act by the person in charge of the examination may appeal to [F115 the Secretary of State].

F116 (2) . . . . . .

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F116(3) . . . . . .

(4) On the appeal the Secretary of State must cause the vehicle to be re-examined by an officer appointed by him for the purpose and must make such determination on the basis of the re-examination as he thinks fit.

(5) Regulations under section 49 of this Act may make the like provision in relation to a determination on an appeal under this section as they make in relation to a determination on an examination under the regulations.

Textual Amendments

F115 Words in s. 50(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 55(2)**; S.I. 1992/1286, **art. 2**,Sch.

F116 S. 50(2) and (3) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, 83, Sch. 4 para. 55(3), **Sch. 8**; S.I. 1992/1286, **art. 2**,Sch.

51 Particular aspects of regulations under section 49.

(1) Without prejudice to the generality of subsection (1) of section 49 of this Act, regulations under that section may—

(a) require or authorise goods vehicles to which the regulations apply to be submitted for examination under the regulations and, in particular—

(i) require any such vehicle to be submitted for a goods vehicle test at periodic intervals, and

(ii) require or authorise any such vehicle to be submitted for re-examination on the making of any prescribed alteration to it or its equipment and, for the purpose of determining whether any such re-examination is necessary, require any such alteration to be notified to the Secretary of State, and

(iii) require any such vehicle to be submitted for examination or re-examination for any purpose of plating or certification,

(b) authorise any examination under the regulations to be carried out by or under the direction of a F117. . . vehicle examiner,

(c) prescribe the conditions subject to which vehicles will be accepted for such examination and, without prejudice to that—

(i) authorise any person by whom an examination of the vehicle under the regulations or section 50 of this Act is carried out to drive the vehicle, whether on a road or elsewhere, and

(ii) require that a driver of a vehicle examined under those regulations or that section is, except so far as permitted to be absent by the person carrying out the examination, present throughout the whole of the examination and drives the vehicle when directed to do so, and operates the controls in accordance with any directions given to him, by that person,

(d) require the plating certificate for any vehicle to which the regulations apply to specify any alteration to the vehicle or its equipment which is required by the regulations to be notified to the Secretary of State,

(e) authorise the amendment of a plating certificate or the issue of a different plating certificate on the re-examination of any vehicle,

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(f) provide for the period of validity of goods vehicle test certificates,

(g) specify the manner in which, and the time before or within which, applications may be made for the examination of vehicles under the regulations or appeals may be brought under section 50 of this Act and the information to be supplied and documents to be produced on any such application, examination or appeal,

(h) make provision as to the fees to be paid on any such application or appeal and as to the repayment of the whole or part of any fee paid on such an appeal where it appears to the Secretary of State that there were substantial grounds for contesting the whole or part of the determination appealed from,

(j) make provision as to the form of, and particulars to be contained in, plating certificates and goods vehicle test certificates and notifications of the refusal of the latter certificates,

(k) provide for the issue of replacements for plates marked with plated particulars, plating certificates and goods vehicle test certificates which have been lost or defaced and for the payment of a fee for their issue,

(l) exempt prescribed classes of vehicles from all or any of the provisions of the regulations either generally or in prescribed circumstances,

(m) make different provision for different cases.

(2) Regulations under section 49 of this Act may provide that a person who contravenes or fails to comply with a requirement of regulations imposed by virtue of subsection (1)(c)(ii) above is guilty of an offence.

(3) In this section any reference to the driving of a vehicle is, in relation to a trailer, a reference to the driving of the vehicle by which the trailer is drawn.

Subordinate Legislation Made

P11 Ss. 49 and 51 power exercised by S.I. 1991/252.
S. 49 (with s. 51(1)) power exercised by S.I. 1991/454
S. 51: for exercises of this power see Index to Government Orders.

Textual Amendments

F117 Word in s. 51(1)(b) 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.

52 Supplementary provisions about tests, etc., of goods vehicles.

(1) Without prejudice to any regulations made under section 49 of this Act by virtue of section 51(1)(c) of this Act, the Secretary of State may give directions with respect to the manner in which examinations under regulations under section 49 or under section 50 of this Act are to be carried out.

(2) The Secretary of State may provide and maintain stations where examinations of goods vehicles under regulations under section 49 or under section 50 of this Act may be carried out and may provide and maintain the apparatus for carrying out such examinations.

53 Obligatory goods vehicle test certificates.

(1) If any person at any time on or after the relevant date—

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(a) uses on a road a goods vehicle of a class required by regulations under section 49 of this Act to have been submitted for examination for plating, or

(b) causes or permits to be used on a road a goods vehicle of such a class,

and at that time there is no plating certificate in force for the vehicle, he is guilty of an offence.

In this subsection "relevant date", in relation to any goods vehicle, means the date by which it is required by the regulations to be submitted for examination for plating.

(2) If any person at any time on or after the relevant date—

(a) uses on a road a goods vehicle of a class required by regulations under section 49 of this Act to have been submitted for a goods vehicle test, or

(b) causes or permits to be used on a road a goods vehicle of such a class,

and at that time there is no goods vehicle test certificate in force for the vehicle, he is guilty of an offence.

In this subsection "relevant date", in relation to any goods vehicle, means the date by which it is required by the regulations to be submitted for its first goods vehicle test.

(3) Any person who—

(a) uses a goods vehicle on a road, or

(b) causes or permits a goods vehicle to be so used,

when an alteration has been made to the vehicle or its equipment which is required by regulations under section 49 of this Act to be, but has not been, notified to the Secretary of State **[**[F118]or the prescribed testing authority**]** is guilty of an offence.

(4) In any proceedings for an offence under subsection (3) above, it shall be a defence to prove that the alteration was not specified in the relevant plating certificate in accordance with regulations under section 49 of this Act.

(5) The Secretary of State may by regulations—

(a) exempt from all or any of the preceding provisions of this section the use of goods vehicles for such purposes or in such an area as may be prescribed, and

(b) make provision for the issue in respect of a vehicle in such circumstances as may be prescribed of a certificate of temporary exemption exempting that vehicle from the provisions of subsection (1) or (2) above for such period as may be specified in the certificate.

Textual Amendments

F118 Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), **ss. 10(7)(b)**, 76(2) (as amended (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 4(4)(b)**)

Approval of design, construction, equipment and marking of vehicles

54 Type approval requirements.

(1) Without prejudice to section 41 of this Act, the Secretary of State may by regulations prescribe requirements (in this Part of this Act referred to as "type approval requirements")—

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(a) with respect to the design, construction, equipment and marking of vehicles of any class, being requirements which are applicable before, whether or not they are applicable after, vehicles of that class are used on a road,

(b) with respect to the design, construction, equipment and marking of vehicle parts of any class, being requirements which are applicable before, whether or not they are applicable after, vehicle parts of that class are fitted to a vehicle used on a road.

(2) Regulations under this section may provide for the determination, according to criteria or by methods prescribed by or determined under the regulations, of weights of any description which in the opinion of the Secretary of State should not be exceeded in the case of vehicles of any class.

(3) In this Part of this Act references to design weights shall be construed as references to weights determined by virtue of subsection (2) above.

(4) Subject to subsection (5) below, the following provisions of this Act to the end of section 60 apply in relation to parts of vehicles as they apply in relation to vehicles and, accordingly, any reference in those provisions to a vehicle, other than a reference to a goods vehicle, is to be read as including a reference to a vehicle part.

(5) Any provision which relates solely to goods vehicles or design weights does not apply in relation to parts of vehicles, but particular exclusions in those provisions do not affect the generality of this exclusion.

(6) In this Part of this Act, "the relevant aspects of design, construction, equipment and marking", in relation to any vehicle, means those aspects of design, construction, equipment and marking which are subject to the type approval requirements or which were used as criteria in determining design weights for that vehicle.

Subordinate Legislation Made

P12 S. 54: for previous exercises of power see Index to Government Orders

P13 S. 54(1): s. 54(1)(with s. 61) power exercised (16.4.1991) by S.I. 1991/1021
S. 54(1): s. 54(1)(with s. 61) power exercised (16.4.1991) by S.I.1991/1022 and (3.9.1991) by S.I.1991/1970 and1991/1971

Modifications etc. (not altering text)

C43 S. 54 modified (1.7.1997) by S.I. 1996/3013, **regs. 4(4)**, 6(4)

55 Type approval certificates.

(1) Where the Secretary of State is satisfied on application made to him by the manufacturer of a vehicle of a class to which regulations under section 54 of this Act apply and after examination of the vehicle—

(a) that the vehicle complies with the relevant type approval requirements, and

(b) that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted,

he may approve that vehicle as a type vehicle.

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(2) Where the Secretary of State approves a vehicle as a type vehicle he must issue a certificate (in this Part of this Act referred to as a "type approval certificate") stating that the vehicle complies with the relevant type approval requirements and specifying—

(a) the permitted variations from the type vehicle, and

(b) the design weights for vehicles so conforming in all respects and for vehicles so conforming with any such variations.

(3) In the following provisions of this section and in sections 56 to 59 of this Act "conform" means conform in all respects or with any permitted variation.

(4) Subject to subsection (6) below, a type approval certificate may be issued for a type vehicle where the Secretary of State is satisfied that one or more, but not all, of the relevant type approval requirements are complied with in the case of that vehicle.

(5) A further type approval certificate may be issued by virtue of subsection (4) above on the application of any person—

(a) who manufactures any part of the vehicle, or

(b) by whom the vehicle is finally assembled;

and references in the following provisions of this section and in sections 56 to 59 of this Act to a manufacturer shall be construed accordingly.

(6) The first type approval certificate issued for a type vehicle by virtue of subsection (4) above must specify the design weights for conforming vehicles, and accordingly—

(a) so much of subsection (2) above or section 57 (1) to (3) of this Act as requires the Secretary of State or a manufacturer to specify in any certificate under this or that section the design weights or plated weights for a vehicle or as requires the Secretary of State or a manufacturer to mark or secure the marking of the plated weights on a vehicle does not apply to a subsequent type approval certificate issued by virtue of subsection (4) above or to the certificates of conformity issued in consequence of such a type approval certificate, and

(b) so much of section 58 (2) of this Act as requires the Secretary of State to specify in any certificate issued by him the design weights and plated weights for a vehicle or to secure that the plated weights are marked on a vehicle does not apply to a Minister's approval certificate issued by virtue of subsection (4) above.

(7) Subsection (6) above does not apply in relation to vehicle parts.

(8) Where the Secretary of State determines on an application under this section not to issue a type approval certificate in respect of a vehicle, he must give to the applicant a written notification of the determination, stating the grounds on which it is based.

56 Conditions of, and cancellation or suspension of, type approval certificates.

(1) A type approval certificate may be issued subject to conditions with respect to—

(a) the inspection by officers of the Secretary of State of vehicles purporting to conform with the type vehicle in the relevant aspects of design, construction, equipment and marking and of parts of such vehicles and their equipment, and the entry of premises where they are manufactured, and

(b) the notification by the manufacturer of differences of design, construction, equipment or marking (other than permitted variations) between any

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such vehicles and the type vehicle which might affect the type approval requirements or the criteria for determining the design weights of those vehicles.

(2) If—

(a) it appears to the Secretary of State that there has been a breach of a condition subject to which a type approval certificate has been granted, or

(b) the Secretary of State ceases to be satisfied as to any other matter relevant to a type approval certificate,

he may cancel or suspend the certificate, but the cancellation or suspension shall not affect the validity of any certificate of conformity previously issued in consequence of the type approval certificate.

(3) Where the Secretary of State cancels or suspends a certificate in pursuance of this section, he shall give a written notification of that fact to the holder of the certificate stating the grounds for the cancellation or suspension.

57 Certificates of conformity.

(1) The manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each vehicle manufactured by him which conforms with the type vehicle in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate [F119]. . .—

(a) stating that it does so conform, and

(b) specifying the design weights for the vehicle,

and must in the case of goods vehicles of such classes as may be prescribed specify in the certificate one or more of the plated weights for the vehicle.

[[F120](1A) In this Part of this Act (except in the expression “EC certificate of conformity" and in the definition of that expression in section 85 of this Act) “certificate of conformity" means a certificate issued under subsection (1) above.**]**

(2) Where a manufacturer issues a certificate of conformity for a goods vehicle, the Secretary of State must—

(a) on an application made by any person containing such information as he may require with respect to the proposed circumstances of operation of the goods vehicle, and

(b) on production of that certificate,

specify in the certificate any plated weights for the goods vehicle not so specified by the manufacturer.

(3) Where a manufacturer issues a certificate of conformity for a goods vehicle then—

(a) if he is required by subsection (1) above to specify any plated weights for the goods vehicle in the certificate, he must mark those weights on the goods vehicle by means of a plate fixed to it, and

(b) in any other case the Secretary of State must on an application for the purpose secure that those weights are so marked.

(4) Any certificate of conformity issued in consequence of any type approval certificate issued by virtue of section 55(4) of this Act shall relate only to the requirement or requirements to which that type approval certificate relates.

(5) Subsections (2) and (3) above do not apply in relation to vehicle parts.

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Textual Amendments

F119 Words in s. 57(1) omitted (1.1.1993) by virtue of S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 5(1)**.

F120 S. 57(1A) inserted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 5(1)**

58 Minister's approval certificates.

(1) Where the Secretary of State is satisfied, on application made to him by any person in respect of a vehicle of a class to which regulations under section 54 of this Act apply and after examination of the vehicle, that—

(a) the vehicle complies with the relevant type approval requirements, and

(b) in the case of a goods vehicle, the Secretary of State has sufficient information to enable the plated weights to be ascertained for the vehicle,

he may issue a certificate (in this Part of this Act referred to as a "Minister's approval certificate").

(2) The certificate must state that the vehicle complies with those requirements and specify—

(a) its design weights, and

(b) in the case of a goods vehicle, its plated weights,

and, where the Secretary of State issues such a certificate in respect of a goods vehicle, he must secure that the plated weights are marked on the vehicle by means of a plate fixed to it.

(3) Where by virtue of section 57(4) of this Act a certificate of conformity issued in respect of a vehicle relates to one or more, but not all, of the relevant type approval requirements, the Secretary of State may issue in respect of that vehicle a Minister's approval certificate relating to one or more of the other relevant type approval requirements.

(4) Where—

(a) a Minister's approval certificate is given as respects a vehicle, and

(b) the Secretary of State is satisfied—

(i) on the application of the manufacturer of the vehicle or, in the case of an imported vehicle, the importer of the vehicle, and

(ii) after the consideration of such evidence as he thinks necessary,

that another vehicle manufactured by that manufacturer or, as the case may be, imported by that importer conforms with the first mentioned vehicle as respects the relevant aspects of design, construction, equipment and marking,

the Secretary of State may issue a Minister's approval certificate in respect of that other vehicle without examining it.

(5) Where the Secretary of State issues such a certificate by virtue of subsection (4) above, he must specify the plated weights which are to be marked on the other vehicle.

(6) Subsection (4) above shall apply in relation to vehicles brought into Great Britain from Northern Ireland as it applies in relation to imported vehicles, and references in that subsection to the importer shall be construed accordingly.

(7) Where the Secretary of State determines on an application under this section not to issue a Minister's approval certificate in respect of a vehicle, he must give to the

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applicant a written notification of the determination, stating the grounds on which it is based.

59 Supplementary provisions as to certificates of conformity and Minister's approval certificates.

(1) The Secretary of State may by regulations require that prescribed alterations—

(a) in any of the relevant aspects of design, construction, equipment or marking, or

(b) in any such aspect which affects the plated weight,

made to any vehicle for which a certificate of conformity or a Minister's approval certificate is issued shall, subject to any exemption granted under subsection (2) below, be notified to the Secretary of State.

(2) The Secretary of State may by notice in writing given to the manufacturer of vehicles or to the owner of a vehicle for which a Minister's approval certificate is issued—

(a) direct that any specified alteration in any of the aspects mentioned in subsection (1) above to a vehicle to which the direction relates shall be notified to the Secretary of State,

(b) exempt a vehicle to which the notice relates from all or any of the requirements of regulations under subsection (1) above, subject to compliance with any conditions specified in the notice.

(3) Without prejudice to the provisions of section 61 of this Act, the Secretary of State may by regulations require that a certificate of conformity or Minister's approval certificate issued for any vehicle shall specify—

(a) the regulations, if any, applicable to the vehicle under subsection (1) above at the time of the issue of the certificate,

(b) any additional alteration to that vehicle required by any direction under subsection (2) above to be notified to the Secretary of State, and

(c) any exemption applicable to that vehicle under that subsection.

(4) A certificate of conformity or a Minister's approval certificate specifying any plated weights shall be treated for the purposes of the provisions of this Part of this Act and any regulations made under them relating to plating certificates (except section 50 (1) and (2) of this Act) as a plating certificate.

This subsection does not apply in relation to vehicle parts.

60 Appeals.

(1) A person aggrieved by the determination made on behalf of the Secretary of State with respect to a type approval certificate, a certificate of conformity or a Minister's approval certificate under sections 54 to 59 of this Act, including any determination with respect to design weights or plated weights, may within the prescribed time and in the prescribed manner appeal to the Secretary of State.

(2) On the appeal the Secretary of State—

(a) shall have the like powers and duties as he has on an original application for a type approval or a Minister's approval certificate or in respect of the plated weights to be included in a certificate of conformity,

(b) may hold an inquiry in connection with it, and

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(c) may appoint an assessor for the purpose of assisting him with the appeal or any such inquiry.

61 Regulations for the purposes of sections 54 to 60.

(1) The Secretary of State may make regulations for the purposes of sections 54 to 60 of this Act.

(2) Without prejudice to the generality of subsection (1) above, such regulations—

(a) may provide for the examination of any vehicle in respect of which a certificate of conformity or a Minister's approval certificate is in force in the event of an alteration being made to the vehicle which is notifiable by virtue of section 59(1) or (2) of this Act and, in particular, may empower a [F121]. . . vehicle examiner to require the vehicle to be examined at a testing station provided under section 52, 62 or 72 of this Act,

(b) may authorise the cancellation, suspension or amendment of a certificate of conformity or a Minister's approval certificate on an examination of any vehicle in pursuance of regulations made by virtue of paragraph (a) above,

(c) shall give a right of appeal to any person aggrieved by a determination on any such examination and for that purpose may apply section 50(1) to (4) of this Act,

(d) may containthe like provisions with respect to any such examination and any appeal brought by virtue of paragraph (c) above as may be contained in regulations made by virtue of paragraphs (b), (c), (g) and (h) of section 51(1) of this Act in relation to the examinations and appeals there mentioned;

(e) may require the payment of fees or other charges in connection with the provision by the Secretary of State of services or facilities or the issue by him of certificates and other documents,

(f) may provide—

(i) for the authorisation of persons to carry out examinations, in connection with the issue of type approval certificates, of vehicles or vehicle parts of such classes as may be specified in the regulations,

(ii) for the imposition of conditions to be complied with by persons so authorised, and

(iii) for the withdrawal of authorisations,

(g) may make provision as to the form of, and particulars to be contained in, certificates of conformity and provide for the supply by the Secretary of State of forms for such certificates,

(h) may provide for the issue of replacements for plates fixed to vehicles under sections 54 to 58 of this Act, certificates of conformity and Minister's approval certificates which have been lost or defaced and provide for the payment of a fee for their issue,

(j) may require persons empowered by sections 54 to 58 of this Act to issue certificates of conformity to keep records—

(i) of certificates of conformity issued by them, and

(ii) of the vehicles or vehicle parts in respect of which such certificates are issued,

and may authorise the inspection of such records by such persons and in such circumstances as may be prescribed, and

(k) may make different provisions for different cases.

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(3) Without prejudice to any regulations made by virtue of section 51(1)(c) of this Act, as applied by this section, the Secretary of State may give directions with respect to the manner in which examinations to which such regulations apply are to be carried out.

(4) Where regulations under this section impose the like requirement as may be imposed by regulations made by virtue of section 51(1)(c)(ii) of this Act, the regulations may provide that a person who contravenes or fails to comply with a requirement so imposed is guilty of an offence.

F122(5) . . . . . .

Subordinate Legislation Made

P14 S. 61: s. 54(1)(with s. 61) power exercised (16.4.1991) by S.I. 1991/1021
S. 61: s. 54(1)(with s. 61) power exercised (16.4.1991) by S.I. 1991/1022 and (3.9.1991) by S.I. 1991/1970 and 1991/1971
S. 61: for previous exercises of power see Index to the Government Orders

P15 S. 61(1)(2): power exercised (4.6.1991) by S.I.1991/1318

Textual Amendments

F121 Words in s. 61(2)(a) 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.

F122 S. 61(5) 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.

62 Other supplementary provisions.

(1) The Secretary of State may provide and maintain stations where examinations of vehicles under sections 54 to 61 of this Act or regulations under those sections may be carried out and may provide and maintain the apparatus for carrying out such examinations.

(2) Where an agreement entered into between Her Majesty's Government and the Government of a country outside Great Britain provides for the recognition in Great Britain of arrangements under the law of that country with respect to the approval of the design, construction, equipment or marking of vehicles of any description manufactured in that country, the Secretary of State may make regulations—

(a) applying, with such adaptations and modifications as he thinks fit, all or any of the provisions of sections 54 to 60 of this Act and of regulations under section 61 of this Act, so far as relating to type approval certificates and certificates of conformity, to vehicles of that description manufactured in that country,

(b) providing that a certificate issued under any such provision as so applied shall be treated for the purposes of any other provisions of this Part of this Act prescribed by the regulations as a type approval certificate or as a certificate of conformity,

(c) providing for the cancellation or suspension (subject to any savings prescribed by the regulations) of any such certificate in the event of the agreement ceasing to be in force or being modified.

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(3) Except in the case of vehicles of such class as may be prescribed, in sections 57, 58 and 61 of this Act "goods vehicle" includes a vehicle which is a chassis for, or will otherwise form part of, a vehicle which when completed will be a goods vehicle.

63 Obligatory type approval certificates, certificates of conformity and Minister's approval certificates.

(1) If—

(a) any person at any time on or after the day appointed by regulations made by the Secretary of State in relation to vehicles or vehicle parts of a prescribed class, being vehicles or vehicle parts to which type approval requirements prescribed by those regulations apply—

(i) uses on a road, or

(ii) causes or permits to be so used,

a vehicle of that class or a vehicle to which is fitted a vehicle part of that class, and

(b) it does not appear from one or more certificates then in force under sections 54 to 58 of this Act that the vehicle or vehicle part complies with those requirements,

he is guilty of an offence.

Different days may be appointed under this subsection in relation to different classes of vehicles or vehicle parts.

[F123(1A) For the purposes of subsection (1) above a vehicle shall be taken to comply with all relevant type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.**]**

(2) If a plating certificate—

(a) has been issued for a goods vehicle to which section 53(1) of this Act or subsection (1) above applies, but

(b) does not specify a maximum laden weight for the vehicle together with any trailer which may be drawn by it,

any person who on or after the relevant date within the meaning of section 53(1) of this Act or, as the case may be, the day appointed under subsection (1) above uses the vehicle on a road for drawing a trailer, or causes or permits it to be so used, is guilty of an offence.

(3) Any person who—

(a) uses a vehicle on a road, or

(b) causes or permits a vehicle to be so used,

when an alteration has been made to the vehicle or its equipment which is required by regulations or directions under section 59 of this Act to be, but has not been, notified to the Secretary of State is guilty of an offence.

(4) In any proceedings for an offence under subsection (3) above, it shall be a defence to prove that the regulations were not or, as the case may be, the alteration was not, specified in the relevant certificate of conformity or Minister's approval certificate in accordance with regulations under section 59(3) of this Act.

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[F124(5) The Secretary of State may make provision for securing that, subject to such restrictions and conditions as may be specified by or under the instrument by which the provision is made—

(a) the use of vehicles is exempted from all or any of the preceding provisions of this section for purposes specified in the instrument or in such an area as is so specified,

(b) goods vehicles are exempted from the provisions of subsection (2) above, and

(c) there are issued in respect of vehicles or vehicle parts, in such circumstances as may be specified in the instrument, certificates of temporary exemption exempting the vehicles or vehicle parts from the provisions of subsection (1) above for such period as may be provided in the certificate.

F124(6) Subject to subsection (7) below, the power conferred by subsection (5) above is exercisable by regulations.

F124(7) That power is exercisable by order in relation to—

(a) specified vehicles, or

(b) vehicles of specified persons;

and an order under this subsection may be varied or revoked by a subsequent order of the Secretary of State.**]**

Subordinate Legislation Made

P16 S. 63(1) power fully exercised (2.12.1996): 1.7.1997 appointed by S.I. 1996/3013, **reg. 14(3)**

Textual Amendments

F123 S. 63(1A) inserted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 1(1)**.

F124 S. 63(5)-(7) substituted (1.2.2001) for s. 63(5) by 2000 c. 38, **s. 264**; S.I. 2001/57, art. 3, **Sch. 2 Pt. I** (as amended (22.1.2001) by S.I. 2001/57, **art. 2(6)**)

Modifications etc. (not altering text)

C44 S. 63(1) excluded (1.7.1997) by S.I. 1996/3013, **reg. 14(6)**
S. 63(1) excluded (1.2.2001) by S.I. 2001/25, **reg. 14(8)**

[F125**63A Alteration of plated weights for goods vehicles without examination.**

(1) The Secretary of State may by regulations make provision—

(a) for the determination, in such circumstances as may be prescribed, of the plated weights (or any of the plated weights) for goods vehicles of any prescribed class otherwise than on an examination under regulations made under section 49 or 61 of this Act; and

(b) for the amendment of any approval certificate in force in respect of a vehicle of any such class so as to specify the weights determined for that vehicle under the regulations in place of any weights superseded by those weights or the cancellation of any such certificate and the issue in place of it of a different certificate specifying the weights so determined in place of any weights so superseded.

(2) Any person aggrieved by a determination of plated weights for a goods vehicle under regulations made under this section may appeal to the Secretary of State and on the appeal the Secretary of State shall cause the vehicle to be examined by an officer of the

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Secretary of State appointed by him for the purpose and shall make such determination on the basis of the examination as he thinks fit.

(3) Without prejudice to the generality of subsection (1) above, regulations under this section—

(a) may provide for the determination of any plated weights for a goods vehicle under the regulations to be made by the Secretary of State or by the prescribed testing authority;

(b) may contain the like provisions with respect to any appeal brought by virtue of subsection (2) above and any examination on any such appeal as may be contained in any regulations made by virtue of paragraphs (c), (g) and (h) of section 51(1) of this Act in relation to an appeal under section 50(1) and any examination on any such appeal;

(c) may specify the manner in which, and the time before or within which, applications may be made for the determination of plated weights of vehicles under the regulations, and the information to be supplied and documents to be produced on any such application;

(d) may make provision as to the fees to be paid on any such application;

(e) may provide for the issue of replacements for any plates fixed to a vehicle specifying weights superseded by weights specified in an approval certificate amended under the regulations or in any certificate issued under the regulations in place of an approval certificate, and for the payment of a fee for their issue; and

(f) may make different provision for different cases.

(4) In this section "approval certificate" means a plating certificate and any certificate of conformity or Minister's approval certificate specifying any plated weights.

(5) Any certificate issued in respect of a goods vehicle under regulations made under this section in replacement of an approval certificate of any description mentioned in subsection (4) above—

(a) shall be in the form appropriate for an approval certificate of that description;

(b) shall be identical in content with the certificate it replaces, save for any alterations in the plated weights authorised by the regulations; and

(c) shall be treated for the purposes of this Part of this Act (including this section) and any regulations made under any provision of this Part of this Act as if it were the same certificate as the certificate it replaces;

and any plate so issued in replacement of a plate fixed to the vehicle under section 57 or 58 of this Act shall, when fixed to the vehicle, be treated as so fixed under that section.**]**

Textual Amendments

F125 S. 63A inserted (1.8.1996) by Transport Act 1982 (c. 49, SIF 107:1), **s. 18** (as amended (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 7**); S.I. 1996/1943, **arts. 1(2)**, 2

Modifications etc. (not altering text)

C45 S. 63A(3)(a) modified (*temp.* from 1.8.1996) by S.I. 1996/1943, **art. 3**

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64 Using goods vehicle with unauthorised weights as well as authorised weights marked on it.

(1) If there is fixed to a goods vehicle a plate containing plated weights of any description—

(a) determined for that vehicle by virtue of sections 49 to 52 of this Act, or

(b) specified in a certificate for that vehicle under section 57(1) or (2) or 58(2) or (5) of this Act,

the vehicle shall not, while it is used on a road, be marked with any other weights, except other plated weights, other weights required or authorised to be marked on the vehicle by regulations under section 41 of this Act or weights so authorised for the purposes of this section by regulations made by the Secretary of State and marked in the prescribed manner.

(2) In the event of a contravention of or failure to comply with this section the owner of the vehicle is guilty of an offence.

[F126 64A Failure to hold EC certificate of conformity for unregistered light passenger vehicle [F127 or motor cycle]

(1) Subject to subsections (2) to (5) below, if a person uses on a road a light passenger vehicle [F128 or a vehicle to which the motorcycle type approval Directive applies]—

(a) which has not been registered-

(i) under [F129 section 21 of the Vehicle Excise and Registration Act 1994], or

(ii) under the law of a member State other than the United Kingdom, and

(b) in respect of which no EC certificate of conformity has effect,

he is guilty of an offence.

(2) A person shall not be convicted of an offence under this section in respect of [F130 the use of light passenger vehicle] if he proves—

(a) that the vehicle was one in respect of which the grant of a licence under [F131 the Vehicle Excise and Registration Act 1994] was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or

(b) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under [F132 section 21] of that Act was not prohibited by that regulation.

F133 [(2A) A person shall not be convicted of an offence under this section in respect of the use of a vehicle to which the motorcycle type approval Directive applies if he proves that the vehicle was one in respect of which the grant of a licence or nil licence under the Vehicle Excise and Registration Act 1994 was not prohibited by regulation 16 of the Motor Cycles Etc. (EC Type Approval) Regulations 1999.]

(3) This section does not apply in relation to a vehicle in respect of which a Minister's approval certificate issued under section 58(1) of this Act or a Department's approval certificate issued under Article 31A(4) of the Road Traffic (Northern Ireland) Order 1981 has effect.

(4) This section does not apply to the use of a vehicle under a trade licence (within the meaning of [F134 the Vehicle Excise and Registration Act 1994]) in accordance with regulations made under [F135 section 12(2)] of that Act.

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(5) This section does not apply in relation to a vehicle brought temporarily into Great Britain by a person resident outside the United Kingdom.**]**

[F136(6) In the application of this section to a vehicle to which the motorcycle type approval Directive applies, any reference to a member State includes a reference to an EEA State.**]**

Textual Amendments

F126 S. 64A inserted (1.1.1993 for specified purposes and otherwise 1.1.1996) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 2**.

F127 Words in sidenote to s. 64A inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 2(1)**

F128 Words in s. 64A(1) inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 2(2)**

F129 Words in s. 64A(1)(a)(i) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(3)(a)** (with s. 57(4))

F130 Words in s. 64A(2) substituted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 2(3)**

F131 Words in s. 64A(2)(a) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(3)(b)(i)** (with s. 57(4))

F132 Words in s. 64A(2)(b) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(3)(b)(ii)** (with s. 57(4))

F133 S. 64A(2A) inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 2(4)**

F134 Words in s. 64A(4) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(3)(c)(i)** (with s. 57(4))

F135 Words in s. 64A(4) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(3)(c)(ii)** (with s. 57(4))

F136 S. 64A(6) inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 2(5)**

65 Vehicles and parts not to be sold without required certificate of conformity or Minister's approval certificate.

(1) If—

(a) any person at any time on or after the day appointed by regulations under section 63(1) of this Act supplies a vehicle or vehicle part of a class to which those regulations apply, and

(b) it does not appear from one or more certificates in force at that time under sections 54 to 58 of this Act that the vehicle or vehicle part complies with all the relevant type approval requirements prescribed by those regulations,

he is guilty of an offence.

[F137(1A) For the purposes of subsection (1) above a vehicle shall be taken to comply with all relevant type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.**]**

(2) In this section references to supply include—

(a) sell,

(b) offer to sell or supply, and

(c) expose for sale.

(3) A person shall not be convicted of an offence under this section in respect of the supply of a vehicle or vehicle part if he proves—

(a) that it was supplied for export from Great Britain,

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(b) that he had reasonable cause to believe that it would not be used on a road in Great Britain or, in the case of a vehicle part, that it would not be fitted to a vehicle used on a road in Great Britain or would not be so used or fitted until it had been certified under sections 54 to 58 of this Act, or

(c) that he had reasonable cause to believe that it would only be used for purposes or in any area prescribed by the Secretary of State under section 63(5) of this Act or, in the case of a goods vehicle, under section 53(5) of this Act.

(4) Nothing in subsection (1) above shall affect the validity of a contract or any rights arising under or in relation to a contract.

Textual Amendments

F137 S. 65(1A) inserted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 1(2)**.

[F138F138][65A Light passenger vehicles [F139or motor cycles] not to be sold without EC certificate of conformity

(1) Subject to subsections (3) to (6) below, any person who supplies a light passenger vehicle **[**F140or a vehicle to which the motorcycle type approval Directive applies**]** —

(a) which has not been registered—

(i) under **[**F141section 21 of the Vehicle Excise and Registration Act 1994**]**, or

(ii) under the law of a member State other than the United Kingdom, and

(b) in respect of which no EC certificate of conformity has effect,

is guilty of an offence.

(2) In this section references to supply include—

(a) sell,

(b) offer to sell or supply, and

(c) expose for sale.

(3) A person shall not be convicted of an offence under this section in respect of **[**F142the supply of a light passenger vehicle**]** if he proves—

(a) that the vehicle was one in respect of which the grant of a licence under **[**F143the Vehicle Excise and Registration Act 1994**]** was not prohibited by regulation 10 of the Motor Vehicles (EC Type Approval) Regulations 1992, or

(b) in the case of a vehicle in respect of which duty is not chargeable under that Act, that the vehicle was one whose registration under **[**F144section 21**]** of that Act was not prohibited by that regulation.

F145(3A) **[** A person shall not be convicted of an offence under this section in respect of the supply of a vehicle to which the motorcycle type approval Directive applies if he proves that the vehicle was one in respect of which the grant of a licence or nil licence under the Vehicle Excise and Registration Act 1994 was not prohibited by regulation 16 of the Motor Cycles Etc. (EC Type Approval) Regulations 1999.**]**

(4) A person shall not be convicted of an offence under this section in respect of the supply of a vehicle if he proves—

(a) that it was supplied for export from the United Kingdom to a country which is not a member State, or

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(b) that he had reasonable cause to believe—

(i) that it would not be used on a road in the United Kingdom or any other member State, or

(ii) that it would not be so used until an EC certificate of conformity had been issued in respect of it.

(5) This section does not apply in relation to the supply of a vehicle—

(a) to the Crown for naval, military or air force purposes,

(b) for the purposes of the military forces of any country outside the United Kingdom,

(c) to any public authority in the United Kingdom or any other member State for the purposes of civil defence within the meaning of the Civil Defence Act 1948,

(d) to a police authority for police purposes, or

(e) to any public authority in a member State outside the United Kingdom which has responsibilities for maintaining public order.

(6) This section does not apply in relation to a vehicle in respect of which a Minister's approval certificate issued under section 58(1) of this Act or a Department's approval certificate issued under Article 31A(4) of the Road Traffic (Northern Ireland) Order 1981 has effect.

(7) Nothing in subsection (1) above shall affect the validity of a contract or any rights arising under or in relation to a contract.**]**

[F146(8) In the application of this section to a vehicle to which the motorcycle type approval Directive applies, any reference to a member State includes a reference to an EEA State.**]**

Textual Amendments

F138 S. 65A inserted (1.1.1993 for specified purposes and otherwise 1.1.1996) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 3**

F139 Words in sidenote to s. 65A inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 3(1)**

F140 Words in s. 65A(1) inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 3(2)**

F141 Words in s. 65A(1)(a)(i) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(4)(a)** (with s. 57(4))

F142 Words in s. 65A(3) substituted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 3(3)**

F143 Words in s. 65A(3)(a) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(4)(b)(i)** (with s. 57(4))

F144 Words in s. 65A(3)(b) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(4)(b)(ii)** (with s. 57(4))

F145 S. 65A(3A) inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 3(4)**

F146 S. 65A(8) inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 3(5)**

Conditions for grant of excise licence

66 Regulations prohibiting the grant of excise licences for certain vehicles except on compliance with certain conditions.

(1) The Secretary of State may by regulations provide that where—

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(a) application is made for a licence under **[**F147the Vehicle Excise and Registration Act 1994**]** for a vehicle to which section 47 of this Act applies, and

(b) in the case of an application relating to a vehicle to which that section applies by virtue of subsection (2)(b) of that section, it appears from the application that the vehicle has been used on roads (whether in Great Britain or elsewhere) before the date of the application,

the licence shall not be granted unless one of the following conditions is satisfied.

(2) Those conditions are that—

(a) there is produced such evidence as may be prescribed of the granting of an effective test certificate or (if it is so prescribed) there is produced such a certificate or the Secretary of State is provided with a copy of it, or

[F148(aa) the records maintained under section 45(6B) of this Act provide evidence of the granting of an effective test certificate, or**]**

(b) there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose prescribed under subsection (6), or in an area prescribed under subsection (7), of section 47, or

(c) in the case of an application relating to a vehicle to which section 47 applies by virtue of subsection (2)(b) of that section, the owner of the vehicle declares in writing the year in which the vehicle was manufactured, and the specified period from the date of manufacture has not expired.

(3) The Secretary of State may by regulations provide that where application is made for a licence under the M20Vehicles (Excise) Act 1971 for a goods vehicle to which section 53(2) of this Act applies or for a vehicle of any class to which section 63(1) of this Act applies, the licence shall not be granted unless the requirements of subsection (4), subsection (5) or subsection (6) below are satisfied.

(4) The requirements of this subsection are that—

(a) on any application, after the relevant date within the meaning of section 53(2), for a licence for a vehicle to which section 53(2) applies, there is produced evidence that an effective goods vehicle test certificate is in force for the vehicle,

(b) on the first application, after the day appointed by regulations made by virtue of section 63(1), for a licence for a vehicle of any class to which those regulations apply, there is produced evidence that there is or are one or more certificates in force for the vehicle under sections 54 to 58 of this Act from which it appears that the vehicle complies with all the relevant type approval requirements prescribed by those regulations.

[F149(4A) In relation to any application referred to in subsection (3) above the requirement set out in subsection (4)(b) above shall be taken to be satisfied if there is produced evidence that an EC certificate of conformity has effect with respect to the vehicle.**]**

(5) The requirements of this subsection are that there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose or in an area prescribed under paragraph (a) of section 53(5) or 63(5) of this Act.

(6) The requirements of this subsection are that there is produced in respect of the vehicle a certificate of temporary exemption issued by virtue of paragraph (b) of section 53(5) or paragraph (c) of section 63(5) which exempts that vehicle from the provisions of

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section 53(2) or 63(1) of this Act, as the case may be, for a period which includes the date on which the licence is to come into force.

(7) Regulations under subsection (3) above may be made so as to apply to such classes only of vehicles as may be specified in the regulations.

(8) For the purposes of this section the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by retail, and in that excepted case shall be taken to be the last day of the year during which the modifications are completed.

(9) In this section—

"appropriate period" has the same meaning as in section 47 of this Act,

"effective goods vehicle test certificate" means, in relation to an application for a licence for a vehicle, a goods vehicle test certificate relating to the vehicle which will be in force on the date on which the licence is to come into force,

"effective test certificate" means, in relation to an application for a licence for a vehicle, a test certificate relating to the vehicle and issued within the appropriate period before the date on which the licence is to come into force,

"specified period" means the period for the time being specified in section 47(2)(a) and (b) of this Act.

Textual Amendments

F147 Words in s. 66(1)(a) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(1)** (with s. 57(4))

F148 Words in s. 66(2)(aa) inserted (11.4.2003) by 1999 c. 12, ss. 5, 9(2); S.I. 2003/1095, **art. 2**

F149 S. 66(4A) inserted (1.1.1993) by S.I. 1992/3107, regs, 1(2), 16, Sch. 2 para. 4.

Marginal Citations

M20 1971 c. 10.

[F150 Vehicle examiners

Textual Amendments

F150 S. 66A and cross heading inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 9(1)**; S.I. 1992/1286, **art. 2**,Sch.

F151 66A Appointment of examiners.

(1) The Secretary of State shall appoint such examiners as he considers necessary for the purpose of carrying out the functions conferred on them by this Part of this Act, **[**F152the Goods Vehicles (Licensing of Operators) Act 1995,**]** the Public Passenger Vehicles Act 1981, the Transport Act 1968 and any other enactment.

(2) An examiner appointed under this section shall act under the general directions of the Secretary of State.

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(3) In this Part of this Act "vehicle examiner" means an examiner appointed under this section.

Textual Amendments

F151 S. 66A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 9(1)**; S.I. 1992/1286, art. 2, **Sch.**

F152 Words in s. 66A(1) inserted (1.1.1996) by s. 60(1), Sch. 7 para. 11 (with ss. 54, 55); S.I. 1995/2181, **art. 2**

Modifications etc. (not altering text)

C46 S. 66A extended (1.7.1992) by S.I. 1992/1286, **art. 3**.

Testing vehicles on roads

67 Testing of condition of vehicles on roads.

(1) An authorised examiner may test a motor vehicle on a road for the purpose of—

[F153(a) ascertaining whether the following requirements, namely—

(i) the construction and use requirements, and

(ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person,

are complied with as respects the vehicle;**]**

(b) bringing to the notice of the driver any failure to comply with those requirements.

[F154(2) For the purpose of testing a vehicle under this section the examiner—

(a) may require the driver to comply with his reasonable instructions, and

(b) may drive the vehicle.**]**

(3) A vehicle shall not be required to stop for a test except by a constable in uniform.

(4) The following persons may act as authorised examiners for the purposes of this section **[**F155and section 67A of this Act**]**—

F156(a) . . . . . .

(b) a person appointed as an examiner under section **[**F157**66A]** of this Act,

(c) a person appointed to examine and inspect public carriages for the purposes of the M21Metropolitan Public Carriage Act 1869,

(d) a person appointed to act for the purposes of this section by the Secretary of State,

(e) a constable authorised so to act by or **[**F158on behalf of a**]** chief officer of police, and

(f) a person appointed by the police authority for a police area to act, under the directions of the chief officer of police, for the purposes of this section.

(5) A person mentioned in subsection (4)(a) to (d) and (f) must produce his authority to act for the purposes of this section if required to do so.

(6) On the examiner proceeding to test a vehicle under this section, the driver may, unless the test is required under subsection (7) or (8) below to be carried out forthwith,

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elect that the test shall be deferred to a time, and carried out at a place, fixed in accordance with Schedule 2 to this Act, and the provisions of that Schedule shall apply accordingly.

(7) Where it appears to a constable that, by reason of an accident having occurred owing to the presence of the vehicle on a road, it is requisite that a test should be carried out forthwith, he may require it to be so carried out and, if he is not to carry it out himself, may require that the vehicle shall not be taken away until the test has been carried out.

(8) Where in the opinion of a constable the vehicle is apparently so defective that it ought not to be allowed to proceed without a test being carried out, he may require the test to be carried out forthwith.

(9) If a person obstructs an authorised examiner acting under this section, or fails to comply with a requirement of this section or Schedule 2 to this Act, he is guilty of an offence.

(10) In this section and in Schedule 2 to this Act—

(a) "test" includes "inspect" or "inspection", as the case may require, and

(b) references to a vehicle include references to a trailer drawn by it.

Textual Amendments

F153 S. 67(1)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 10(2)**; S.I. 1992/1286, art. 2, **Sch.**

F154 S. 67(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 10(3)**; S.I. 1992/1286, **art. 2**,Sch.

F155 Words inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(c), **Sch. 2 Pt. III para. 24** (which insertion was repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 10(2)**; S.I. 1992/1286, art. 2, **Sch.** Appendix)

F156 S. 67(4)(a) 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.

F157 Words in s. 67(4)(b) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 10(4)**; S.I. 1992/1286, **art. 2**,Sch.

F158 Words in s. 67(4)(e) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 10(5)**; S.I. 1992/1286, **art. 2**,Sch.

Marginal Citations

M21 1869 c. 115.

[F159 67A Remedying defects discovered on roadside test.

(1) Where on testing a motor vehicle under section 67 of this Act it appears to an authorised examiner that there is a defect in the vehicle by reason that the vehicle does not comply with a construction and use requirement applicable to the vehicle, he may give a notice in writing to the person who is then the owner of the vehicle—

(a) specifying the defect and the requirement in question, and

(b) requiring him to give to the Secretary of State within the permitted period a certificate complying with subsection (4) below or a declaration complying with subsection (5) below.

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(2) The powers conferred by subsection (1) above may be exercised whether or not the requirement is one mentioned in section 67(1) above and whether or not proceedings are instituted for a breach of the requirement.

(3) On testing a motor vehicle under section 67 of this Act an authorised examiner may require the person in charge of the vehicle to state whether he is the owner of the vehicle and, if he is not the owner, the name and address of the owner.

(4) A certificate under this section must contain—

(a) a statement signed by the person to whom the notice under this section was given that he has taken steps to secure—

(i) that repairs for the purpose of remedying the defects specified in the notice have been carried out at a vehicle testing station, or

(ii) that the vehicle has been examined at such a station for the purpose of ascertaining whether any such repairs have been carried out, and

(b) a statement signed by a person having power to carry out examinations at such a station under section 67 of this Act—

(i) that the signatory has either carried out any such repairs or examined the vehicle for the purpose of ascertaining whether those repairs have been carried out, and

(ii) that in his opinion the vehicle complies with the construction and use requirement specified in the notice.

(5) A declaration under this section—

(a) must be signed by the person to whom the notice under this section was given, and

(b) must state that he has sold or disposed of his interest in the vehicle to which the notice relates or that he does not intend to use it any further on a road in Great Britain.

(6) A person who, having been given a notice under this section, fails to give a certificate or declaration under this section within the permitted period to the Secretary of State is guilty of an offence.

(7) A person who fails to comply with a requirement imposed on him by an authorised examiner under subsection (3) above is guilty of an offence.

(8) The Secretary of State may by regulations make provision with respect to the examination of vehicles for the purpose of ascertaining whether any such repairs as are mentioned in subsection (4)(a) above have been carried out and with respect to the making of statements under subsection (4)(b) above and, in particular, any such regulations—

(a) may prescribe the manner in which, conditions under which and apparatus with which such examinations are carried out and make provision with respect to the maintenance of that apparatus in an efficient state, and with respect to the inspection of premises at which and apparatus with which such examinations are being, or are to be, carried out,

(b) may prescribe the manner in which applications may be made for such examinations or for such statements,

(c) shall give a right of appeal to any person aggrieved by the refusal of a person mentioned in subsection (4)(b) above to sign a certificate under that paragraph

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and shall prescribe the manner in which and time within which appeals under the regulations may be brought,

(d) may prescribe the information to be supplied and documents to be produced on such an application, examination or appeal,

(e) may prescribe the fees to be paid on such an application or appeal, and the repayment of the whole or of part of the fee paid on such appeal where it appears to the Secretary of State that there were substantial grounds for appeal,

(f) may prescribe the form of notices, certificates and declarations under this section and of notices of appeal and other documents required for the purposes of this section, and

(g) may make different provision for different cases.

(9) In this section "permitted period" means a period of twenty-eight days beginning with the date of the notice under this section or such longer period as the Secretary of State may, on the application of the owner of a motor vehicle, specify in writing.**]**

Textual Amendments

F159 Ss. 67A, 67B inserted (prosp.) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(c), **Sch. 2 Pt. III para. 25**; which insertion was repealed (1.7.1992) by 1991 c. 40, s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch. 2**, Appendix

[F160 67B Tests to check whether defects have been remedied.

(1) Where a certificate has been given under section 67A of this Act with respect to a motor vehicle, the Secretary of State may, within the period of thirty days beginning with the date on which he receives the certificate, require the person who is the owner of the vehicle at the time of the requirement to make the vehicle available for a further test by an officer of the Secretary of State.

(2) For that purpose the Secretary of State may request that person to specify—

(a) a period of seven days within which the examination is to take place, being a period falling within the period of thirty days beginning with the date of the requirement, disregarding any day in which the vehicle is outside Great Britain, and

(b) a place, or if that person thinks fit, a local government area, where the test may conveniently be carried out.

In this subsection "local government area" means, as respects England and Wales, a county district or Greater London and, as respects Scotland, a region or islands area.

(3) Where a vehicle is made available under subsection (1) above for a further test, any officer of the Secretary of State may test and inspect it for the purpose of ascertaining whether any defect specified in the notice relating to it under section 67A of this Act has been remedied.

(4) Section 67A of this Act shall apply in relation to a test under this section as it applies in relation to a test under section 67 of this Act but as if references to an authorised examiner were references to an officer of the Secretary of State.

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(5) Paragraphs 3 and 4 of Schedule 2 to this Act shall apply in relation to a test under this section as they apply in relation to a deferred test, but subject to the following modifications—

(a) references to the preceding provisions of that Schedule shall be read as references to subsection (1) above,

(b) in those paragraphs "owner" shall have the meaning given by section 192 of this Act and not the meaning given by paragraph 5 of that Schedule, and

(c) the reference in paragraph 3 to premises shall be read as a reference to a place.

(6) If a person obstructs an officer of the Secretary of State acting under this section, or fails to comply with a requirement of this section or of paragraphs 3 and 4 of Schedule 2 as applied by this section, he is guilty of an offence.

(7) Any station or apparatus provided and maintained under section 45(6) of this Act by the Secretary of State or a council designated for the purpose of that section may be used by the Secretary of State or that council, as the case may be—

(a) for the carrying out of examinations for the purpose of ascertaining whether any such repairs as are mentioned in section 67A(4)(a) of this Act have been carried out, and

(b) for the carrying out of tests and inspections under this section.**]**

Textual Amendments

F160 Ss. 67A, 67B inserted (prosp.) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(c), **Sch. 2 Pt. III para. 25**; which insertion was repealed (1.7.1992) by 1991 c. 40, s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch. 2**, Appendix

[F161 Inspection of public passenger vehicles and goods vehicles]

Textual Amendments

F161 S. 68 and cross-heading substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.11**; S.I. 1992/1286, art. 2, **Sch.**

[F162 68 Inspection of public passenger vehicles and goods vehicles.

(1) A vehicle examiner—

(a) may at any time, on production if so required of his authority, inspect any vehicle to which this section applies and for that purpose detain the vehicle during such time as is required for the inspection, and

(b) may at any time which is reasonable having regard to the circumstances of the case enter any premises on which he has reason to believe that such a vehicle is kept.

(2) The power conferred by subsection (1) above to inspect a vehicle includes power to test it and to drive it for the purpose of testing it.

(3) A person who intentionally obstructs an examiner in the exercise of his powers under subsection (1) above is guilty of an offence.

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(4) A vehicle examiner or a constable in uniform may at any time require any person in charge of a vehicle to which this section applies and which is stationary on a road to proceed with the vehicle for the purpose of having it inspected under this section to any place where an inspection can be suitably carried out (not being more than five miles from the place where the requirement is made).

(5) A person in charge of a vehicle who refuses or neglects to comply with a requirement made under subsection (4) above is guilty of an offence.

(6) This section applies to—

(a) goods vehicles,

(b) public service vehicles, and

(c) motor vehicles which are not public service vehicles but are adapted to carry more than eight passengers;

but subsection (1)(b) above shall not apply in relation to vehicles within paragraph (c) above or in relation to vehicles used to carry passengers for hire or reward only under permits granted under section 19 or 22 of the Transport Act 1985 (use of vehicles by educational and other bodies or in providing community bus services).**]**

Textual Amendments

F162 S. 68 and cross-heading substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.11**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)

C47 S. 68 restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with reg. 11).
S. 68 applied (with modifications) (1.7.1992) by S.I. 1992/1217, **reg.10** (with reg. 11).
S. 68 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

[F163 Prohibition of unfit vehicles]

Textual Amendments

F163 Ss. 69, 69A and cross heading substituted for s. 69 by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.12**; S.I. 1992/1286, **art. 2**,Sch.

[F164 69 Power to prohibit driving of unfit vehicles.

(1) If on any inspection of a vehicle under section 41, 45, 49, 61, 67, 68 or 77 of this Act it appears to a vehicle examiner **[**F165or authorised inspector**]** that owing to any defects in the vehicle it is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road—

(a) absolutely, or

(b) for one or more specified purposes, or

(c) except for one or more specified purposes.

(2) If on any inspection of a vehicle under any of the enactments mentioned in subsection (1) above it appears to an authorised constable that owing to any defects in the vehicle driving it (or driving it for any particular purpose or purposes or for

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any except one or more particular purposes) would involve a danger of injury to any person, he may prohibit the driving of the vehicle on a road—

(a) absolutely, or

(b) for one or more specified purposes, or

(c) except for one or more specified purposes.

(3) A prohibition under this section shall come into force as soon as the notice under subsection (6) below has been given if—

(a) it is imposed by an authorised constable, or

(b) in the opinion of the vehicle examiner **[**F165or authorised inspector**]** imposing it the defects in the vehicle in question are such that driving it, or driving it for any purpose within the prohibition, would involve a danger of injury to any person.

(4) Except where subsection (3) applies, a prohibition under this section shall (unless previously removed under section 72 of this Act) come into force at such time not later than ten days from the date of the inspection as seems appropriate to the vehicle examiner **[**F165or authorised inspector**]** imposing the prohibition, having regard to all the circumstances.

(5) A prohibition under this section shall continue in force until it is removed under section 72 of this Act.

(6) A person imposing a prohibition under this section shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection—

(a) specifying the defects which occasioned the prohibition;

(b) stating whether the prohibition is on all driving of the vehicle or driving it for one or more specified purposes or driving it except for one or more specified purposes (and, where applicable, specifying the purpose or purposes in question); and

(c) stating whether the prohibition is to come into force immediately or at the end of a specified period.

(7) Where a notice has been given under subsection (6) above, any vehicle examiner **[**F165or authorised inspector**]** or authorised constable may grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose as may be specified in the exemption.

(8) Where such a notice has been given, any vehicle examiner **[**F165or authorised inspector**]**or authorised constable may by endorsement on the notice vary its terms and, in particular, alter the time at which the prohibition is to come into force or suspend it if it has come into force.

(9) In this section "authorised constable" means a constable authorised to act for the purposes of this section by or on behalf of a chief officer of police.**]**

Textual Amendments

F164 Ss. 69 and 69A substituted (1.7.1992) for s. 69 by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.12**; S.I. 1992/1286, **art. 2**,Sch.

F165 Words in s. 69 inserted (1.7.1992)by Transport Act 1982 (c. 82, SIF 107:1), **s. 10** (3) (as amended (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 19(2)**); S.I. 1992/1286, **art. 2**,Sch.

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Modifications etc. (not altering text)

C48 S. 69 restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with reg. 11).
S. 69 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

[F166 69A Prohibitions conditional on inspection etc.

(1) Where it appears to the person imposing a prohibition under section 69 of this Act that the vehicle is adapted to carry more than eight passengers, or is a public service vehicle not so adapted, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official PSV testing station within the meaning of the Public Passenger Vehicles Act 1981.

(2) Where it appears to that person that the vehicle is of a class to which regulations under section 49 of this Act apply, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official testing station.

(3) Where it appears to that person that the vehicle is one to which section 47 of this Act applies, or would apply if the vehicle had been registered under **[**F167the Vehicle Excise and Registration Act 1994**]]** more than three years earlier, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected, and a test certificate issued, under section 45 of this Act.

(4) In any other case, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected in accordance with regulations under section 72 of this Act by a vehicle examiner or authorised constable (within the meaning of section 69 of this Act).

Textual Amendments

F166 Ss. 69 and 69A substituted (1.7.1992) for s. 69 by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 12**; S.I. 1992/1286, art. 2, **Sch.**

F167 Words in s. 69A(3) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(1)** (with s. 57(4))

Modifications etc. (not altering text)

C49 S. 69A restricted (1.7.1992) by S.I. 1992/1217, **reg. 7** (with reg. 11).
S. 69A excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

70 Power to prohibit driving of overloaded goods vehicles.

(1) Subsections (2) and (3) below apply where a goods vehicle **[**F168, or a motor vehicle adapted to carry more than eight passengers,**]** has been weighed in pursuance of a requirement imposed under section 78 of this Act and it appears to—

(a) **[**F169a vehicle examiner**]**,

(b) a person authorised with the consent of the Secretary of State to act for the purposes of this subsection by—

(i) a highway authority other than the Secretary of State, or

(ii) a local roads authority in Scotland, or

(c) a constable authorised to act for those purposes by or on behalf of a chief officer of police,

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that the limit imposed by construction and use requirements with respect to any description of weight which is applicable to that vehicle has been exceeded or would be exceeded if it were used on a road **[**F170or that by reason of excessive overall weight or excessive axle weight on any axle driving the vehicle would involve a danger of injury to any person**]**.

(2) The person to whom it so appears may, whether or not a notice is given under section **[**F171**69(6)]** of this Act, give notice in writing to the person in charge of the vehicle prohibiting the driving of the vehicle on a road until—

(a) that weight is reduced to that limit **[**F172or, as the case may be, so that it is no longer excessive**]**, and

(b) official notification has been given to whoever is for the time being in charge of the vehicle that it is permitted to proceed.

(3) The person to whom it so appears may also by direction in writing require the person in charge of the vehicle to remove it (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle or trailer in accordance with that direction.

(4) Official notification for the purposes of subsection (2) above—

(a) must be in writing and be given by **[**F173a vehicle examiner**]**, a person authorised as mentioned in subsection (1) above or a constable authorised as so mentioned, and

(b) may be withheld until the vehicle has been weighed or reweighed in order to satisfy the person giving the notification that the weight has been sufficiently reduced.

(5) Nothing in this section shall be construed as limiting the power of the Secretary of State to make regulations under section 71(2) of this Act.

Textual Amendments

F168 Words in s. 70(1) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 13(2)(a)**; S.I. 1992/1286, **art. 2**,Sch.

F169 Words in s. 70(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 13(2)(b)**; S.I. 1992/1286, **art. 2**,Sch.

F170 Words in s. 70(1) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 13(2)(c)**; S.I. 1992/1286, **art. 2**,Sch.

F171 Words in s. 70(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 13(3)(a)**; S.I. 1992/1286, **art. 2**,Sch.

F172 Words in s. 70(2) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 13(3)(b)**; S.I. 1992/1286, **art. 2**,Sch.

F173 Words in s. 70(4) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 13(4)**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C50 S. 70 restricted (1.7.1992) by S.I. 1992/1217, **reg. 7** (with reg. 11).
S. 70 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

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[F174 71 Unfit and overloaded vehicles: offences.

(1) A person who—

(a) drives a vehicle in contravention of a prohibition under section 69 or 70 of this Act, or

(b) causes or permits a vehicle to be driven in contravention of such a prohibition, or

(c) fails to comply within a reasonable time with a direction under section 70(3) of this Act,

is guilty of an offence.

(2) The Secretary of State may by regulations provide for exceptions from subsection (1) above.]

Textual Amendments

F174 S. 71 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.14**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C51 S. 71 restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with reg. 11).
S. 71 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

[F175 72 Removal of prohibitions.

(1) Subject to the following provisions of this section, a prohibition under section 69 or 70 of this Act may be removed by any vehicle examiner or authorised constable if he is satisfied that the vehicle is fit for service.

(2) If the prohibition has been imposed with a direction under section 69A(1) or (2) of this Act, the prohibition shall not be removed unless and until the vehicle has been inspected in accordance with the direction.

(3) If the prohibition has been imposed with a direction under section 69A(3) of this Act, subsection (1) above shall not apply; but the prohibition shall be removed, by such person as may be prescribed, if (and only if) any prescribed requirements relating to the inspection of the vehicle and the issue and production of a test certificate have been complied with.

(4) If the prohibition has been imposed with a direction under section 69A(4) of this Act, the prohibition shall not be removed unless and until any prescribed requirements relating to the inspection of the vehicle have been complied with.

(5) A person aggrieved by the refusal of a vehicle examiner or authorised constable to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Secretary of State.

(6) The Secretary of State may make such order on the appeal as he thinks fit.

(7) Where a vehicle examiner or authorised constable removes a prohibition, he must forthwith give notice of the removal to the owner of the vehicle.

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(8) The Secretary of State may require the payment of fees, in accordance with prescribed scales and rates, for the inspection of a vehicle with a view to the removal of a prohibition; and—

(a) payment of fees may be required to be made in advance, and

(b) the Secretary of State must ensure that all the scales and rates prescribed for the purposes of this subsection are reasonably comparable with—

(i) in the case of goods vehicles, the fees charged by virtue of section 51(1)(h) in respect of periodic examination, and

(ii) in the case of other vehicles, the fees charged by virtue of section 46(c).

(9) The Secretary of State may make regulations for prescribing anything which may be prescribed under this section and for regulating the procedure, and fees payable, on appeals to him under subsection (5) above.

(10) In this section "authorised constable" means a constable authorised to act for the purposes of this section by or on behalf of a chief officer of police.**]**

Textual Amendments

F175 Ss. 72 and 72A substituted (1.7.1992) for s. 72 by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.15**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C52 S. 72 restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with reg. 11).
S. 72 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

[F176]72A Official testing stations.

The Secretary of State may provide and maintain stations (in this Part of this Act referred to as "official testing stations") where inspections of goods vehicles for the purposes of section 72 may be carried out and may provide and maintain the apparatus for carrying out such inspections.

Textual Amendments

F176 Ss. 72 and 72A substituted (1.7.1992) for s. 72 by Road Traffic Act 1991 (c. 40, SIF 107:1). s.15; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C53 S. 72A restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with reg. 11).
S. 72A excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

73 Provisions supplementary to sections 69 to 72.

[[F177](1) Where it appears to a person giving a notice under section 69(6) or 70(2) of this Act that the vehicle concerned is **[**[F178], by virtue of section 5 of the Goods Vehicles (Licensing of Operators) Act 1995, authorised to be used under an operator's licence,**]]**, he must as soon as practicable take steps to bring the contents of the notice to the attention of—

(a) the traffic commissioner by whom **[**[F179] the licence was issued**]** , and

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(b) the holder of the licence if he is not in charge of the vehicle at the time when the notice is given.

[F180(1ZA) Where in a case within subsection (1) above it appears to the person giving the notice that the vehicle is authorised to be used under two or more operators' licences—

(a) if those licences were issued by different traffic commissioners, his duty under paragraph (a) of that subsection may be discharged by taking steps to bring the contents of the notice to the attention of any one of those commissioners,

(b) if those licences are held by different persons and none of those persons is in charge of the vehicle at the time when the notice is given, his duty under paragraph (b) of that subsection may be discharged by taking steps to bring the contents of the notice to the attention of any one of those persons, and

(c) if those licences are held by different persons and any of those persons is in charge of the vehicle at the time when the notice is given, no steps need be taken under that subsection to bring the contents of the notice to the attention of the others.**]**

(1A) Where it appears to a person giving a notice under section 69(6) or 70(2) of this Act that the vehicle concerned is used under a PSV operator's licence, he must as soon as practicable take steps to bring the contents of the notice to the attention of—

(a) the traffic commissioner by whom the PSV operator's licence was granted for the vehicle, and

(b) the holder of the licence if he is not in charge of the vehicle at the time when the notice is given.

(1B) In a case not within subsection (1) or subsection (1A) above, a person giving a notice under section 69(6) or 70(2) of this Act must as soon as practicable take steps to bring the contents of the notice to the attention of the owner of the vehicle if he is not in charge of it at the time when the notice is given.

(1C) A person giving a notice to the owner of a vehicle under section 72(7) of this Act must as soon as practicable take steps to bring the contents of the notice to the attention of any other person—

(a) who was the person to whom the previous notice under section 69(6) or 70(2) was given and was then the owner of the vehicle, or

(b) to whose attention the contents of the previous notice were brought under this section.

F181(2) . . . . . .

(3) Any reference in sections 69 to 72 of this Act to the driving of a vehicle is, in relation to a trailer, a reference to the driving of the vehicle by which the trailer is drawn.

(4) In this section **[**F182"operator's licence" has the same meaning as in the Goods Vehicles (Licensing of Operators) Act 1995**][**F183; and "PSV operator's licence" has the same meaning as in the Public Passenger Vehicles Act 1981**]**.

Textual Amendments

F177 S. 73(1)(1A)(1B)(1C) substituted (1.7.1992) for s. 73(1) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 56(2)**; S.I. 1992/1286, art. 2, **Sch.**

F178 Words in s. 73(1) substituted (1.1.1996) by 1995 c. 23, s. 60(1), **Sch. 7 para. 12(1)(a)** (with ss. 54, 55); S.I. 1995/2181, **art. 2**

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F179 Words in s. 73(1)(a) substituted (1.1.1996) by 1995 c. 23, s. 60(1), **Sch. 7 para. 12(1)(b)** (with ss. 54, 55); S.I. 1995/2181, **art. 2**

F180 S. 73(1ZA) inserted (1.1.1996) by 1995 c. 23, s. 60(1), **Sch. 7 para. 12(2)** (with ss. 54, 55); S.I. 1995/2181, **art. 2**

F181 S. 73(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, 83, Sch. 4 para. 56(3), **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

F182 Words in s. 73(4) substituted (1.1.1996) by 1995 c. 23, s. 60(1), **Sch. 7 para. 12(3)** (with ss. 54, 55); S.I. 1995/2181, **art. 2**

F183 Words in s. 73(4) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 56(4)**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)

C54 S. 73 restricted (1.7.1992) by S.I. 1992/1217, **reg. 7** (with reg. 11).
S. 73 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Miscellaneous provisions about vehicles and vehicle parts

74 Operator's duty to inspect, and keep records of inspections of, goods vehicles.

(1) The Secretary of State may make regulations requiring the operator for the time being of a goods vehicle to which the regulations apply to secure—

(a) the carrying out by a suitably qualified person (including the operator if so qualified) of an inspection of the vehicle for the purpose of ascertaining whether **[**F184the following requirements are complied with, namely—

(i)**]** the construction and use requirements with respect to any prescribed matters, being requirements applicable to the vehicle, **[**F185and

(ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person**]**

and

(b) the making and authentication of records of such matters relating to any such inspection as may be prescribed, including records of the action taken to remedy any defects discovered on the inspection,

and providing for the preservation of such records for a prescribed period not exceeding fifteen months and their custody and production during that period.

(2) Regulations under this section may—

(a) apply to all goods vehicles or to goods vehicles of such classes as may be prescribed,

(b) require the inspection of goods vehicles under the regulations to be carried out at such times, or before the happening of such events, as may be prescribed, and

(c) make different provision for different cases.

(3) Any person who contravenes or fails to comply with any provision of regulations under this section is guilty of an offence.

(4) In this section "the operator", in relation to a goods vehicle, means the person to whom it belongs or the hirer of it under a hire purchase agreement; but, if he has let it on hire (otherwise than by way of hire-purchase) or lent it to any other person, it means a person of a class prescribed by regulations under this section in relation to any particular class of goods vehicles or, subject to any such regulations, that other person.

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Textual Amendments

F184 Words in s. 74(1)(a) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.57**; S.I. 1992/1286, **art. 2**,Sch.

F185 S. 74(1)(a)(ii) and word "and" preceding it substituted (1.7.1992) for words in s. 74(1)(a) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.57**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C55 s. 74 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

75 Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy.

(1) Subject to the provisions of this section no person shall supply a motor vehicle or trailer in an unroadworthy condition.

(2) In this section references to supply include—

(a) sell,

(b) offer to sell or supply, and

(c) expose for sale.

(3) For the purposes of subsection (1) above a motor vehicle or trailer is in an unroadworthy condition if—

(a) it is in such a condition that the use of it on a road in that condition would be unlawful by virtue of any provision made by regulations under section 41 of this Act as respects—

(i) brakes, steering gear or tyres, or

(ii) the construction, weight or equipment of vehicles,. . .

F186(iii) . . . . . .

[F187(b) it is in such a condition that its use on a road would involve a danger of injury to any person**]**

(4) Subject to the provisions of this section no person shall alter a motor vehicle or trailer so as to render its condition such that the use of it on a road in that condition

[F188(a)**]** would be unlawful by virtue of any provision made as respects the construction, weight or equipment of vehicles by regulations under section 41 **[**F189or

(b) would involve a danger of injury to any person.**]**

(5) A person who supplies or alters a motor vehicle or trailer in contravention of this section, or causes or permits it to be so supplied or altered, is guilty of an offence.

(6) A person shall not be convicted of an offence under this section in respect of the supply or alteration of a motor vehicle or trailer if he proves—

(a) that it was supplied or altered, as the case may be, for export from Great Britain, or

(b) that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain, or would not be so used until it had been put into a condition in which it might lawfully be so used, F190. . .

F191(c) . . . . . .

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[F192(6A) Paragraph (b) of subsection (6) above shall not apply in relation to a person who, in the course of a trade or business—

(a) exposes a vehicle or trailer for sale, unless he also proves that he took all reasonable steps to ensure that any prospective purchaser would be aware that its use in its current condition on a road in Great Britain would be unlawful, or

(b) offers to sell a vehicle or trailer, unless he also proves that he took all reasonable steps to ensure that the person to whom the offer was made was aware of that fact.**]**

(7) Nothing in the preceding provisions of this section shall affect the validity of a contract or any rights arising under a contract.

F193(8) . . . . . .

Textual Amendments

F186 S. 75(3)(a)(iii) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 16(2), 83, **Sch. 8**; S.I. 1992/1286, **art. 2**,Sch.

F187 S. 75(3)(b) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 16(2)**; S.I. 1992/1286, **art. 2**,Sch.

F188 Word in s. 75(4) inserted (1.7.1992) by Road Traffic 1991 (c. 40, SIF 107:1), **s. 16(3)**; S.I. 1992/1286, **art. 2**,Sch.

F189 Word and s. 75(4)(b) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 16(3)**; S.I. 1992/1286, **art. 2**,Sch.

F190 Word in s. 75(6) 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.

F191 S. 75(6)(c) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 16(4), 83, **Sch. 8**; S.I. 1992/1286, **art. 2**,Sch.

F192 S. 75(6A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 16(5)**; S.I. 1992/1286, **art. 2**,Sch.

F193 S. 75(8) 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.

Modifications etc. (not altering text)

C56 S. 75 restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with reg. 11).

76 Fitting and supply of defective or unsuitable vehicle parts.

(1) If any person—

(a) fits a vehicle part to a vehicle, or

(b) causes or permits a vehicle part to be fitted to a vehicle,

in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle **[**F194involve a danger of injury to any person or**]**, constitute a contravention of or failure to comply with any of the construction and use requirements, he is guilty of an offence.

(2) A person shall not be convicted of an offence under subsection (1) above if he proves—

(a) that the vehicle to which the part was fitted was to be exported from Great Britain, or

(b) that he had reasonable cause to believe that that vehicle—

(i) would not be used on a road in Great Britain, or

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(ii) that it would not be so used until it had been put into a condition in which its use **[**F195on a road**]** would not constitute a contravention of or a failure to comply with any of the construction and use requirements **[**F195and would not involve a danger of injury to any person.**]**.

(3) If a person—

(a) supplies a vehicle part or causes or permits a vehicle part to be supplied, and

(b) has reasonable cause to believe that the part is to be fitted to a motor vehicle, or to a vehicle of a particular class, or to a particular vehicle,

he is guilty of an offence if that part could not be fitted to a motor vehicle or, as the case may require, to a vehicle of that class or of a class to which the particular vehicle belongs, except in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements **[**F196or involve a danger of injury to any person**]**.

(4) In this section references to supply include—

(a) sell, and

(b) offer to sell or supply.

(5) A person shall not be convicted of an offence under subsection (3) above in respect of the supply of a vehicle part if he proves—

(a) that the part was supplied for export from Great Britain, or

(b) that he had reasonable cause to believe that—

(i) it would not be fitted to a vehicle used on a road in Great Britain, or

(ii) it would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements **[**F196or involve a danger of injury to any person**]**.

(6) An authorised examiner may at any reasonable hour enter premises where, in the course of a business, vehicle parts are fitted to vehicles or are supplied and test and inspect any vehicle or vehicle part found on those premises for the purpose of ascertaining whether—

(a) a vehicle part has been fitted to the vehicle in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements **[**F196or involve a danger of injury to any person**]**, or

(b) the vehicle part could not be supplied for fitting to a vehicle used on roads in Great Britain without the commission of an offence under subsection (3) above.

(7) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(8) Any person who obstructs an authorised examiner acting under subsection (6) or (7) above is guilty of an offence.

(9) In subsections (6) to (8) above "authorised examiner" means a person who may act as an authorised examiner for the purposes of section 67 of this Act; and any such person,

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Changes to legislation: *Road Traffic Act 1988 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

other than a constable in uniform, shall produce his authority to act for the purpose of subsections (6) and (7) above if required to do so.

(10) Nothing in this section shall affect the validity of a contract or of any rights arising under a contract.

Textual Amendments

F194 Words in s. 76(1) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 58(2)**; S.I. 1992/1286, **art. 2**,Sch.

F195 Words in s. 76(2)(b)(ii) inserted (1.7.1992) and words at the end added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 58(3)**; S.I. 1992/1286, **art. 2**,Sch.

F196 Words in s. 76(3)(5)(b)(ii)(6)(a) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 58(4)**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C57 S. 76 restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with reg. 11).

77 Testing condition of used vehicles at sale rooms, etc.

(1) An authorised examiner may at any reasonable hour enter premises where used motor vehicles or trailers are supplied in the course of a business and test and inspect any used motor vehicle or trailer found on the premises for the purpose of ascertaining whether it is in an unroadworthy condition for the purposes of section 75(1) of this Act.

(2) In this section (except paragraph (d) below) references to supply include—

(a) sell,

(b) offer for sale or supply,

(c) expose for sale, and

(d) otherwise keep for sale or supply.

(3) An authorised examiner may at any reasonable hour enter premises where vehicles or vehicle parts of a class prescribed for the purposes of section 63 of this Act are supplied in the course of a business and test and inspect any such vehicle or vehicle part for the purpose of ascertaining whether the vehicle or vehicle part complies with the type approval requirements applicable to a vehicle or vehicle part of that class.

(4) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(5) A person who obstructs an authorised examiner acting under this section is guilty of an offence.

(6) In this section "authorised examiner" means a person who may act as an authorised examiner for the purposes of section 67 of this Act; and any such person, other than a constable in uniform, shall produce his authority to act for the purposes of that section if required to do so.

(7) A motor vehicle or trailer shall be treated for the purposes of this section as used if, but only if, it has previously been sold or supplied by retail.

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Modifications etc. (not altering text)
C58 S. 77 restricted (1.7.1992) by S.I. 1992/1217, **regs.7**,9 (with reg. 11).

78 Weighing of motor vehicles.

(1) Subject to any regulations made by the Secretary of State, an authorised person may, on production of his authority, require the person in charge of a motor vehicle—

(a) to allow the vehicle or any trailer drawn by it to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and

(b) for that purpose, to proceed to a weighbridge or other machine for weighing vehicles.

(2) For the purpose of enabling a vehicle or a trailer drawn by it to be weighed or a weight to be tested in accordance with regulations under subsection (1) above, an authorised person may require the person in charge of the vehicle to drive the vehicle or to do any other thing in relation to the vehicle or its load or the trailer or its load which is reasonably required to be done for that purpose.

(3) If a person in charge of a motor vehicle—

(a) refuses or neglects to comply with any requirement under subsection (1) or (2) above, or

(b) obstructs an authorised person in the exercise of his functions under this section,

he is guilty of an offence.

(4) An authorised person may not require the person in charge of the motor vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of its being weighed unladen.

(5) Regulations under subsection (1) above may make provision with respect to—

(a) the manner in which a vehicle or trailer is to be weighed or a weight is to be tested as mentioned in subsection (1) above, and

(b) the limits within which, unless the contrary is proved, any weight determined by a weighbridge or other machine for weighing vehicles is to be presumed to be accurate for the purposes of any provision made by or under this Act or by or under any other enactment relating to motor vehicles or trailers,

and the regulations may make different provision in relation to vehicles of different classes, in relation to different types of weighbridges and other machines and in relation to different circumstances.

(6) If—

(a) at the time when the requirement is made the vehicle is more than five miles from the weighbridge or other machine, and

(b) the weight is found to be within the limits authorised by law,

the highway authority (in Scotland, roads authority) on whose behalf the requirement is made must pay, in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator (in Scotland, arbiter) agreed upon by the parties or, in default of agreement, appointed by the Secretary of State.

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(7) The Secretary of State may by order designate areas in Great Britain where subsection (6) above is to have effect, in such cases as may be specified by the order, with the substitution for five miles of a greater distance so specified.

An order under this subsection shall be made by statutory instrument subject to annulment by a resolution of either House of Parliament.

(8) In this section—

(a) "road" includes any land which forms part of a harbour or which is adjacent to a harbour and is occupied wholly or partly for the purposes of harbour operations,

(b) "authorised person" means a person authorised by a highway authority (in Scotland, a roads authority) or a constable authorised on behalf of such an authority by a police authority or a chief officer of police,

and in this subsection "harbour" and "harbour operations" have the meanings given to them by section 57(1) of the [M22]Harbours Act 1964.

Modifications etc. (not altering text)
C59 S. 78 restricted (1.7.1992) by S.I. 1992/1217, **regs.7**,9 (with reg. 11).

Marginal Citations
M22 1964 c. 40.

79 Further provisions relating to weighing of motor vehicles.

(1) Where a motor vehicle or trailer is weighed under section 78 of this Act, a certificate of weight must be given to the person in charge of the vehicle, and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.

(2) On production of his authority—

[F197](a) . . . . . .

(b) an examiner appointed under section **[**[F198]66A**]** of this Act, or

(c) any of the Secretary of State's officers authorised by him in that behalf,

may at any time exercise with respect to the weighing of **[**[F198]goods vehicles, public service vehicles, and vehicles which are not public service vehicles but are adapted to carry more than eight passengers,**]** all such powers with respect to the weighing of motor vehicles and trailers as are exercisable under section 78 of this Act by a constable authorised as mentioned in subsection (8) of that section.

(3) The provisions of section 78 of this Act shall apply accordingly in relation to **[**[F199]such vehicles**]**—

(a) as if references to a constable so authorised included references to such **[**[F200]an**]** examiner or officer of the Secretary of State, and

(b) as if the reference in subsection (6) to the authority on whose behalf the requirement is made were a reference to the Secretary of State, and

(c) as if the reference in that subsection to the Secretary of State were a reference, in relation to England and Wales, to the Lord Chief Justice of England and, in relation to Scotland, to the Lord President of the Court of Session.

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(4) A certificate in the prescribed form which—

(a) purports to be signed by an authorised person (within the meaning of section 78 of this Act) or by a person exercising powers by virtue of subsection (2) above, and

(b) states, in relation to a vehicle identified in the certificate, any weight determined in relation to that vehicle on the occasion of its being brought to a weighbridge or other machine in pursuance of a requirement under section 78(1) of this Act,

shall be evidence (in Scotland, sufficient evidence) of the matter so stated.

(5) If, for the purposes of or in connection with the determination of any weight in relation to a vehicle which is brought to a weighbridge or other machine as mentioned in section 78(1) of this Act, an authorised person (within the meaning of that section) or a person exercising powers by virtue of subsection (2) above—

(a) drives a vehicle or does any other thing in relation to a vehicle or its load or a trailer or its load, or

(b) requires the driver of a vehicle to drive it in a particular manner or to a particular place or to do any other thing in relation to a vehicle or its load or a trailer or its load,

neither he nor any person complying with such a requirement shall be liable for any damage to or loss in respect of the vehicle or its load or the trailer or its load unless it is shown that he acted without reasonable care.

Textual Amendments

F197 S. 79(2)(a) 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.

F198 Words in s. 79(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 59(2)**; S.I. 1992/1286, **art. 2**,Sch.

F199 Words in s. 79(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 59(3)(a)**; S.I. 1992/1286, **art. 2**,Sch.

F200 Word in s. 79(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 59(3)(b)**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C60 S. 79 restricted (1.7.1992) by S.I. 1992/1217, **regs.7**,9 (with reg. 11).

80 Approval marks.

(1) Where any international agreement to which the United Kingdom is a party or a Community obligation provides—

(a) for markings to be applied—

(i) to motor vehicle parts of any description to indicate conformity with a type approved by any country, or

(ii) to a motor vehicle to indicate that the vehicle is fitted with motor vehicle parts of any description and either that the parts conform with a type approved by any country or that the vehicle is such that as so fitted it conforms with a type so approved, and

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(b) for motor vehicle parts or, as the case may be, motor vehicles, bearing those markings to be recognised as complying with the requirements imposed by the law of another country,

the Secretary of State may by regulations designate the markings as approval marks, and any markings so designated shall be deemed for the purposes of the [M23]Trade Descriptions Act 1968 to be a trade description, whether or not the markings fall within the definition of the expression in section 2 of that Act.

(2) Any person who, without being authorised by the competent authority to apply any approval mark, applies that mark or a mark so nearly resembling it as to be calculated to deceive is guilty of an offence under the Trade Descriptions Act 1968, whether or not he would be guilty of such an offence apart from this subsection.

(3) The conditions subject to which approval of any type may be given on behalf of the United Kingdom or the use of approval marks indicating conformity with a type approved by the United Kingdom may be authorised may include such conditions as to testing or inspection and the payment of fees as the Secretary of State may impose.

(4) In this section—

"motor vehicle" means a mechanically propelled vehicle or a vehicle designed or adapted for towing by a mechanically propelled vehicle,

"motor vehicle part" means any article made or adapted for use as part of a mechanically propelled vehicle or a vehicle drawn by a mechanically propelled vehicle, or for use as part of the equipment of any such vehicle, and shall be treated as including any equipment for the protection of drivers or passengers in or on a motor vehicle notwithstanding that it does not form part of, or of the equipment of, that vehicle, and

"the competent authority" means—

(a) as respects any approval marks indicating conformity with a type approved by the United Kingdom, the Secretary of State, and

(b) as respects any approval marks indicating conformity with a type approved by any other country, the authority having power under the law of that country to authorise the use of that mark.

Marginal Citations

M23 1968 c. 29.

Pedal cycles and horse-drawn vehicles

81 Regulation of brakes, bells etc., on pedal cycles.

(1) The Secretary of State may make regulations as to the use on roads of cycles, their construction and equipment and the conditions under which they may be so used.

(2) In particular, but without prejudice to the generality of subsection (1) above, the regulations may make provision as to—

(a) the number, nature and efficiency of brakes and their maintenance in proper working order,

(b) the appliances to be fitted for signalling approach and their maintenance in proper working order, and

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(c) the testing and inspection, by persons authorised under the regulations, of any equipment prescribed under this section and of lighting equipment and reflectors.

(3) Regulations under this section may provide for repealing byelaws dealing with the same subject-matter as the regulations, and for suspending while the regulations remain in force any power of making such byelaws.

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

(5) Regulations under this section as to the use on roads of cycles may prohibit the sale or supply, or the offer of a sale or supply, of a cycle for delivery in such a condition that the use of it on a road in that condition would be a contravention of the regulations, but no provision made by virtue of this subsection shall affect the validity of any contract or any rights arising under a contract.

(6) If a person sells or supplies or offers to sell or supply a cycle in contravention of any prohibition imposed by regulations made by virtue of subsection (5) above, he is guilty of an offence, unless he proves—

(a) that it was sold, supplied or offered for export from Great Britain, or

(b) that he had reasonable cause to believe that it would not be used on a road in Great Britain, or would not be so used until it had been put into a condition in which it might lawfully be so used.

82 Regulation of brakes on horse-drawn vehicles.

(1) The Secretary of State may make regulations for regulating the number, nature and use of brakes, including skid pans and locking-chains, in the case of vehicles drawn by horses or other animals, or any class of such vehicles, when used on roads.

(2) Regulations under this section may be made for securing that such brakes are efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere.

F201(3) . . . . . .

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

Textual Amendments

F201 S. 82(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Grp. 1

Miscellaneous

83 Offences to do with reflectors and tail lamps.

A person who sells, or offers or exposes for sale, any appliance adapted for use as a reflector or tail lamp to be carried on a vehicle in accordance with the provisions of this Act or of any regulations made under it, not being an appliance which complies with the construction and use requirements applicable to a class of vehicles for which the appliance is adapted, is guilty of an offence.

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Modifications etc. (not altering text)
C61 S. 83 restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with reg. 11).

84 Appointment of officials and destination of fees.

(1) Subject to the consent of the Treasury as to number, the Secretary of State may appoint such officers and servants as he considers necessary for the operation of the provisions of sections 68 to 73 of this Act.

(2) There shall be paid to **[**F202examiners appointed under section 66A**]** of this Act such remuneration or salaries and such allowances (if any) as the Secretary of State may, with the consent of the Treasury, determine.

(3) In every year there shall be paid out of monies provided by Parliament such sums as the Secretary of State may, with the consent of the Treasury, direct in respect of the remuneration, salaries and allowances under subsection (2) above and the other expenses of examiners.

(4) Any sum received by the Secretary of State in pursuance of sections 45, 46, 49 to 51, 54 to 62,72(9) and 80 of this Act shall be paid into the Consolidated Fund.

Textual Amendments
F202 Words in s. 84(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 60**; S.I. 1992/1286, **art. 2**,Sch.

85 Interpretation of Part II.

In this Part of this Act—

[F203"the Community Recording Equipment Regulation" means Council Regulation (EEC) No. 3821/85 on recording equipment in road transport M24 as it has effect in accordance with—

(a) Commission Regulation (EEC) No. 3314/90M25;

(b) Commission Regulation (EEC) No. 3688/92M26; and

(c) Commission Regulation (EC) No. 2479/95M27;

and as read with the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986 M28;**]**

[F204"EC certificate of conformity" means

(a) **[**F205in the case of a light passenger vehicle,**]** any certificate of conformity issued by a manufacturer—

(a) under regulation 4 of the Motor Vehicles (EC Type Approval) Regulations 1992, or

(b) under any provision of the law of a member State other than the United Kingdom giving effect to Article 6 of the light passenger vehicle type approval Directive,

which is expressed to be a certificate for a complete or completed vehicle

(b) **[**F206**[**F207in the case of a vehicle to which the motorcycle type approval Directive applies, any certificate of conformity—

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(i) issued by a manufacturer under regulation 8(1) of the Motor Cycles Etc. (EC Type Approval) Regulations 1999, whether before, on or after 9th November 2003, or

(ii) issued by a manufacturer under any provision of the law of an EEA State other than the United Kingdom giving effect to Article 7(1) of the motorcycle type approval directive or to Article 7(1) of Council Directive 92/61/EEC of 30th June 1992 relating to the type approval of two or three-wheeled motor vehicles,**]]**

[F208F209"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 M29;

F208"EEA State" means a state which is a contracting Party to the EEA Agreement;**]**

F210 . . .

[F211"light passenger vehicle" means any motor vehicle which—

(a) has at least four wheels,

(b) is equipped with an internal combustion engine,

(c) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,

(d) has no more than eight seats in addition to the driver's seat, and

(e) has a maximum design speed exceeding 25 kilometres per hour,

but does not include a quadricycle within the meaning of Article 1(3) of the motorcycle type approval Directive or a vehicle used or intended for use for the purposes of a fire brigade (whether or not one maintained under the Fire Services Act 1947),

"the light passenger vehicle type approval Directive" means Council Directive 70/156/EEC of 6th February 1970 on the approximation of the laws of the member States relating to the type-approval of motor vehicles and their trailers as amended by Council Directive 87/403/EEC of 25th June 1987 and Council Directive 92/53/EEC of 18th June 1992,

[F212"the motorcycle type approval Directive" means Directive 2002/24/EC of the European Parliament and of the Council of 18th March 2002 relating to the type approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC, as corrected by a Corrigendum of 22nd February 2003,**]]**

"official testing station" means a testing station maintained by the Secretary of State under section **[**F21372A**]** of this Act ,

"prescribed" means prescribed by regulations made by the Secretary of State,

[F214"public service vehicle" has the same meaning as in the Public Passenger Vehicles Act 1981,**]**

"sold or supplied by retail" means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of re-supply for a valuable consideration,

"tail lamp" means, in relation to a vehicle, any lamp carried attached to the vehicle for the purpose of showing a red light to the rear in accordance with regulations under section 41 of this Act,

"traffic area" has the same meaning as in the M30Public Passenger Vehicles Act 1981, and

"vehicle part" means any article which is a motor vehicle part, within the meaning of section 80 of this Act, and any other article which is made or adapted for use as

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part of, or as part of the equipment of, a vehicle which is intended or adapted to be used on roads but which is not a motor vehicle within the meaning of that section.**]**

Textual Amendments

F203 In s. 85 definition of "the Community Recording Equipment Regulation" substituted (25.4.1996) by S.I. 1996/941, **reg. 3**

F204 In s. 85 definition of "EC certificate of conformity" inserted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 5(2)(a)**

F205 In s. 85 in definition of "EC certificate of conformity" words inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 4(2)(a)**

F206 In s. 85 in definition of "EC certificate of conformity" para. (b) added (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 4(2)(b)**

F207 In s. 85 in definition of "EC certificate of conformity" para. (b) substituted (9.11.2003) by The Motor Cycles Etc. (EC Type Approval) (Amendment) Regulations 2003 (S.I. 2003/1099), **reg. 3(a)**

F208 In s. 85 definition of "EEA State" inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 4(3)**

F209 In s. 85 definition of "EEA Agreement" inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 4(3)**

F210 in s. 85 definition of "licensing authority" repealed (1.1.1996) by 1995 c. 23, s. 60(1)(2), Sch. 7 para. 13, **Sch. 8 Pt. I**; S.I. 1995/2181, **art. 2**

F211 In s. 85 definitions of "light passenger vehicle", "the light passenger vehicle type approval Directive" and "the motorcycle type approval Directive" inserted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 5(2)(b)**

F212 In s. 85 definition of "the motorcycle type approval Directive" substituted (9.11.2003) by The Motor Cycles Etc. (EC Type Approval) (Amendment) Regulations 2003 (S.I. 2003/1099), **reg. 3(b)**

F213 Word in s. 85 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 61(a)**; S.I. 1992/1286, art. 2, **Sch.**

F214 In s. 85 definition of "public service vehicle" inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 61(b)**; S.I. 1992/1286, art. 2, **Sch.**

Marginal Citations

M24 O.J. No. L370, 31.12.85, p.8.

M25 O.J. No. L318, 17.11.90, p.20.

M26 O.J. No. L374, 22.12.92, p.12.

M27 O.J. No. L256, 26.10.95, p.8.

M28 S.I. 1986/1456; the relevant amending instruments are S.I. 1987/805 and S.I. 1988/760.

M29 Cmnd 2073 and 2183.

M30 1981 c. 14.

86 Index to Part II.

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Part of this Act listed in the right-hand column in relation to those expressions.

Certificate of conformity	**[**[F215]Section 57(1A)**]**
Community Recording Equipment Regulation	Section 85
Construction and use requirements	Section 41(7)
Design weights	Section 54(3)

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[F216 EC certificate of conformity**]**	**[**F216 Section 85 **]**
Examination for plating	Section 49(4)
Goods vehicle examiner	Section 68(2)
Goods vehicle test	Section 49(4)
Goods vehicle test certificate	Section 49(2)(b)
F217	F217
. . .	. . .
[F218Light passenger vehicle**]**	**[**F218 Section 85**]**
[F218Light passenger vehicle type approval Directive**]**	F218 Section 85
Minister's approval certificate	Section 58(1)
[F218Motorcycle type approval Directive**]**	**[**F218 Section 85**]**
Official testing station	Section 85
Plating certificate	Section 49(2)(a)
Plated particulars	Section 41(7)
Plated weights	Section 41(7)
Prescribed	Section 85
[F219Public service vehicle**]**	**[**F219Section 85**]**
Relevant aspects of design, construction, equipment and marking	Section 54(6)
Sold or supplied by retail	Section 85
Tail lamp	Section 85
Test certificate	Section 45(2)
Traffic area	Section 85
Type approval certificate	Section 55(2)
Type approval requirements	Section 54(1)
[F219Vehicle examiner**]**	**[**F219Section 66A**]**
Vehicle part	Section 85

Textual Amendments

F215 Words in the Table in s. 86 substituted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 5(3)(a)**.

F216 Words in the Table in s. 86 inserted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 5(3)(b)**.

F217 Words in Table in s. 86 repealed (1.1.1996) by 1995 c. 23, s. 60(1)(2), Sch. 7 para. 14, **Sch. 8 Pt. I** (with ss. 54, 55); S.I. 1995/2181, **art. 2**

F218 Words in the Table in s. 86 inserted (1.1.1993) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 5(3)(b)**.

F219 Words in the Table in s. 86 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 62**; S.I. 1992/1286, art. 2, **Sch.**

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PART III

LICENSING OF DRIVERS OF VEHICLES

Modifications etc. (not altering text)

C62 Pt. III (ss. 87–109) excluded by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **s. 37(3)**

C63 Pt. III (ss. 87–109) restricted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(6), **Sch. 1 para. 6(5)**

Pt. III (ss. 87-109) restricted (1.6.1997) by 1995 c. 13, ss. 4(1), 6, **Sch. 1 Pt. III para. 6(1)**, Pt. IV para. 9(1) (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

Pt. III (ss. 87-109) extended (1.6.1997) by 1995 c. 13, **s. 5(7)** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

Pt. III (ss. 87-109) applied (1.6.1997) by 1995 c. 13, **s. 9(1)** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

Requirement to hold licence

87 Drivers of motor vehicles to have driving licences.

(1) It is an offence for a person to drive on a road a motor vehicle of any class **[**F220otherwise than in accordance with**]** a licence authorising him to drive a motor vehicle of that class.

(2) It is an offence for a person to cause or permit another person to drive on a road a motor vehicle of any class **[**F221otherwise than in accordance with a licence authorising that other person**]** to drive a motor vehicle of that class.

F222(3) . . . . . .

Textual Amendments

F220 Words in s. 87(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 17(1)**; S.I. 1992/1286, **art. 2**,Sch.

F221 Words in s. 87(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 17(2)**; S.I. 1992/1286, **art. 2**,Sch.

F222 S. 87(3) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 7** (but repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 16, **Sch. 6**)

Modifications etc. (not altering text)

C64 S. 87 amended (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 1(1)(2)(7)**

C65 S. 87 excluded by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(6), **Sch. 1 Pt. II para. 11**

C66 S. 87 applied (with modifications) (1.7.1992) by S.I. 1992/1217, **regs. 8**, 11

C67 S. 87 modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

88 Exceptions.

(1) Notwithstanding section 87 of this Act, a person may drive or cause or permit another person to drive a vehicle of any class if—

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[F223(a) the driver has held—

(i) a licence under this Part of this Act to drive vehicles of that or a corresponding class, or

[a Community licence to drive vehicles of that or a corresponding class, or**]**
F224(ia)

(ii) a Northern Ireland licence to drive vehicles of that or a corresponding class, or

(iii) a British external licence or British Forces licence to drive vehicles of that or a corresponding class, or

(iv) an exchangeable licence to drive vehicles of that or a corresponding class, and

(b) either—

(i) a qualifying application by the driver for the grant of a licence to drive vehicles of that class for a period which includes that time has been received by the Secretary of State, or

[a licence to drive vehicles of that class granted to him has been
F225(ii) revoked or surrendered in pursuance of section 99(2A), (3) or (4) of this Act otherwise than by reason of a current disqualification or of its having been granted in error and he has complied with any requirements imposed on him under section 99(7B) of this Act, and**]]**

(c) any conditions which by virtue of section 97(3) or 98(2) of this Act apply to the driving under the authority of the licence of vehicles of that class are complied with.

[F226(1A) An application for the grant of a licence to drive vehicles of any class is a qualifying application for the purposes of subsection (1)(b)(i) above if—

(a) the requirements of paragraphs (a), (b) so far as it relates to initial evidence and (c) of section 97(1) of this Act have been satisfied;

(b) the applicant—

(i) is not subject to a current disqualification which is relevant to the licence he applies for, and

(ii) is not prevented from obtaining it by section 89 of this Act **[**F227or section 4(1) of or paragraph 6(1) or 9(1) of Schedule 1 to the Road Traffic (New Drivers) Act 1995**]**; and

(c) the declaration made in pursuance of section 92(1) of this Act indicates that he is not suffering from a relevant disability.**]**

[F226(1B) A disqualification is relevant to a licence for which a person makes an application if—

(a) in the case of an application made by virtue of any provision of subsection (1)(a) above, the disqualification subsists under or by virtue of any provision of the Road Traffic Acts and relates to vehicles of the class to which his application relates;

[in the case of an application made by virtue of subsection (1)(a)(ia) above,
F228(aa) the disqualification subsists under or by virtue of any provision of the law of an EEA State (other than the United Kingdom) and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;**]**

(b) in the case of an application made by virtue of subsection (1)(a)(ii) above, the disqualification subsists under or by virtue of any provision of the law of Northern Ireland and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;

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(c) in the case of an application made by virtue of subsection (1)(a)(iii) above, the disqualification subsists under or by virtue of any provision of the relevant external law or, as the case may be, is a disqualification for holding or obtaining a British Forces licence and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates; and

(d) in the case of an application made by virtue of subsection (1)(a)(iv) above, the disqualification subsists under or by virtue of any provision of the law of the F229. . . country or territory under which the licence which he held was granted and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;

but a disqualification which does not prevent the person disqualified from obtaining a provisional licence or, as the case may be, a licence corresponding to a provisional licence is relevant to a full licence but not to a provisional licence.**]**

(2) The benefit of subsection (1) above does not extend—

(a) beyond the date when a licence is granted in pursuance of the application mentioned in subsection (1)(b) above or (as the case may be) in pursuance of section 99(7) **[**F230or (7A)**]** of this Act in consequence of the revocation or surrender so mentioned, or

(b) in a case where a licence is not in fact so granted, beyond the expiration of the period of one year or such shorter period as may be prescribed, beginning on the date of the application or (as the case may be) the revocation or surrender mentioned in subsection (1)(b) above **[**F231, or**]**

[F231(c) in a case where a licence is refused under section 92(3) of this Act, beyond the day on which the applicant receives notice of the refusal.**]**

(3) The Secretary of State may by regulations provide that subsection (1) above shall also apply (where the requirements of that subsection are otherwise met) in the case of a person who has not previously held a licence to drive vehicles of the relevant class.

(4) Regulations made by virtue of subsection (3) above shall, if not previously revoked, expire at the end of the period of one year beginning with the day on which they came into operation.

(5) Regulations may provide that a person who becomes resident in Great Britain shall, during the prescribed period after he becomes so resident, be treated for the purposes of section 87 of this Act as the holder of a licence authorising him to drive motor vehicles of the prescribed classes if—

(a) he satisfies the prescribed conditions, and

(b) he is the holder of a permit of the prescribed description authorising him to drive vehicles under the law of a country outside the United Kingdom.

(6) Regulations made by virtue of subsection (5) above may provide for the application of any enactment relating to licences **[**F232, counterparts of licences**]**or licence holders, with or without modifications, in relation to any such permit and its holder respectively.

(7) Notwithstanding section 87 of this Act—

(a) a person who is not the holder of a licence may act as steersman of a motor vehicle, being a vehicle on which a speed limit of five miles per hour or less is imposed by or under section 86 of the M31Road Traffic Regulation Act 1984, under the orders of another person engaged in the driving of the vehicle who

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[F233(i) is licensed in that behalf in accordance with the requirements of this Part and Part IV of this Act, or

(ii) is authorised by virtue of section 99A(1) of this Act to drive in Great Britain such a motor vehicle, and**]**

(b) a person may cause or permit another person who is not the holder of a licence so to act.

[F234(8) In this Part of this Act—

"British external licence" means a licence granted in the Isle of Man or any of the Channel Islands under the relevant external law;

"British Forces licence" means a licence granted in the Federal Republic of Germany by the British authorities to members of the British Forces or of the civilian components of those Forces of their dependants; and

"relevant external law" means the law for the time being in force in the Isle of Man or any of the Channel Islands which corresponds to this Part of this Act.**]**

Textual Amendments

F223 S. 88(1)(a)(b) substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 3(2)**

F224 S. 88(1)(a)(ia) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 1(2)**

F225 S. 88(1)(b)(ii) substituted (1.7.1998) by S.I. 1998/1420, **reg. 3(2)**

F226 S. 88(1A)(1B) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 3(3)**

F227 Words in s. 88(1A)(b)(ii) inserted (1.6.1997) by 1995 c. 13, s. 10(4), **Sch. 2 para. 2(2)(a)** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

F228 S. 88(1B)(aa) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 1(3)(a)**

F229 Words in s. 88(1B)(d) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 1(3)(b)**

F230 Words in s. 88(2)(a) inserted (1.7.1998) by S.I. 1998/1420, **reg. 3(3)**

F231 S. 88(2)(c) and word immediately preceding it inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 3(4)**

F232 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 1**

F233 S. 88(7)(a)(i)(ii) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) for words in s. 88(7)(a) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 1(4)**

F234 S. 88(8) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 3(5)**

Marginal Citations

M31 1984 c. 27.

Tests

89 Tests of competence to drive.

(1) A licence authorising the driving of motor vehicles of any class shall not be granted to any person unless he **[**F235meets the relevant residence requirement and satisfies the Secretary of State**]**—

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[F236(a) that at some time during the period of two years ending with the date the application is made but not earlier than the appointed day he has passed—

(i) the test of competence to drive prescribed by virtue of subsection (3) below, or

(ii) a Northern Ireland test of competence to drive which corresponds to such a test, or

(iii) a test of competence which under subsection (6) below is a sufficient test;

or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act; or

(b) that at some time not earlier than the appointed day he has held—

(i) a full licence authorising the driving of vehicles of that class, or

(ii) a full Northern Ireland licence authorising the driving of vehicles of that or a corresponding class;

or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act; or

(c) that at some time during the period of two years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class F237. . . for the purpose of obtaining a British Forces licence; or

(d) that at some time not earlier than the appointed day he has held a full British external licence or a full British Forces licence to drive vehicles of that or a corresponding class or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act; or

(e) that at some time during the period of two years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class conducted under the law F238. . . of Gibraltar F239. . .; or

[F240(ea) that either at the time of the application for the licence he holds a Community licence authorising the driving of vehicles of that or a corresponding class or at some time he has held such a Community licence; or**]]**

[F241(f) that, at the time of the application for the licence, he holds an exchangeable licence authorising the driving of vehicles of that or a corresponding class.**]**

This subsection is subject to the provisions of this Part of this Act as to provisional licences and to the provisions of any regulations made by virtue of section 105(2)(f) of this Act.

[F242(1A) An applicant meets the relevant residence requirement referred to in subsection (1) above if on the date the application for the licence is made—

(a) in a case where he satisfies the Secretary of State in respect of paragraph (ea) of that subsection, he is normally resident in the United Kingdom or has been attending a course of study in the United Kingdom during the period of six months ending on that date;

(b) in a case where he satisfies the Secretary of State in respect of paragraph (f) of that subsection, he is normally resident in Great Britain but has not been so resident for more than the prescribed period; and

(c) in any other case, he is normally resident in Great Britain.**]**

[F243(2) For the purposes of subsection (1) above—

[F244(a) a licence which has been revoked under section 99(3) of this Act or under any corresponding provision of—

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(i) the law of Northern Ireland,

(ii) the relevant external law, or

(iii) the law of an EEA State other than the United Kingdom,

as a licence granted in error shall be disregarded for the purposes of paragraph (b), (d) or (ea) (as the case may be) of that subsection;**]**

(b) . . . . . .

(c) a British external licence to drive any class of goods vehicle or any class of passenger-carrying vehicle is to be disregarded for the purposes of paragraph (d) of that subsection unless the 4Secretary of State, by order made by statutory instrument, designates the relevant external law under which it is granted as one which makes satisfactory provision for the granting of such licences.**]**

[F245(2A) Except as provided under subsection (5A) below, no person submitting himself for a test of competence to drive a motor bicycle shall be permitted to take the test unless he furnishes the prescribed certificate of completion by him of an approved training course for motor cyclists either with his application for an appointment for a test or to the person who is to conduct the test.**]**

(3) Regulations may make provision with respect to—

(a) the nature of tests of competence to drive for the purposes of this section, **[**F246and section 36 of the Road Traffic Offenders Act 1988 (disqualification),**]**

(b) the qualifications, selection and appointment of persons by whom they may be conducted and the revocation of any appointment,

(c) evidence of the results of such tests,

and generally with respect to such tests.

(4) In particular, regulations may, without prejudice to the generality of subsection (3) above, provide—

(a) for requiring a person submitting himself for a test to provide a vehicle for the purposes of the test **[**F247, in the case of prescribed classes of goods vehicle, loaded or unloaded as may be prescribed and, if requirements as respects loading are prescribed, loaded in accordance with the requirements**]**,

[F248(aa) for requiring a person submitting himself for a test to have been normally resident in Great Britain or the United Kingdom for such period ending on the date of his appointment for the test as may be prescribed,**]**

(b) for requiring a fee, of such amount as may be specified in the regulations or, in such cases as may be prescribed, specified by such person as may be prescribed, to be paid by a person who submits himself for a test or applies for an appointment for a test,

(c) for ensuring that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself for another test by the same or any other person before the expiration of a period specified in the regulations, except under an order made by a court or sheriff under the power conferred by section 90 of this Act,

and different regulations may be made with respect to tests of competence to drive different classes of vehicles.

(5) If regulations make provision for a test of competence to drive to consist of separate parts, they may make for each part—

(a) any provision that could be made for a test not consisting of separate parts, and

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(b) provision for the supply by the Secretary of State of forms for certificates evidencing the results and for charges to be made for the supply.

[F249(5A) Regulations may prescribe cases in which persons are exempt from the requirement imposed by subsection (2A) above; and the regulations may—

(a) limit the exemption to persons in prescribed circumstances;

(b) limit the exemption to a prescribed period;

(c) attach conditions to the exemption; and

(d) regulate applications for, and the issue and form of, certificates evidencing a person's exemption from that requirement.**]**

(6) For the purposes of subsection **[**F250(1)(a)(iii) above or section 89A(2)(b)(iii) below**]**, a test of competence shall be sufficient for the granting of a licence authorising the driving of—

(a) vehicles of any class, if at the time the test was passed it authorised the granting of a licence to drive vehicles of that class,

(b) vehicles of **[**F251all**]** classes which are designated by regulations as a group for the purposes of subsection (1)(a) above, if at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group **[**F252, and**]**

[F252(c) vehicles of all classes included in another such group, if a person passing the test is treated by virtue of regulations made for the purposes of this paragraph as competent also to drive vehicles of a class included in that other group.**]**

(7) If vehicles of any classes are designated by regulations as a group for the purposes of subsection (1)(b) above, a licence authorising the driving of vehicles of a class included in the group shall be deemed for the purposes of subsection **[**F253(1)(b)(i) above or section 89A(4)(a) below to authorise the driving of—

(a) vehicles of all classes included in the group **[**F254(except where regulations otherwise provide)**]**, and

(b) vehicles of all classes included in another such group, if a person holding the licence is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group**]**.

The reference in this subsection to a licence does not include a licence which has been revoked in pursuance of section 99(3) of this Act.

(8) For the purposes of this section and section 88(1) of this Act, an exchangeable licence issued in respect of a F255. . ., country or territory shall not be treated as authorising a person to drive a vehicle of any **[**F256class**]** if—

(a) the licence is not for the time being valid for that purpose, or

(b) it was issued in respect of that **[**F256class**]** for a purpose corresponding to that mentioned in section 97(2) of this Act.

[F257(9) A test of competence falling within paragraphs (a)(ii), (c) or (e) of subsection (1) above shall be sufficient for the granting of a licence authorising the driving of—

(a) vehicles of all classes designated by regulations as a group for the purposes of subsection (1)(a) above, if **[**F258(except where regulations otherwise provide)**]** at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group, or of any class corresponding to a class included in the group, and

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(b) vehicles of all classes included in another such group, if a person passing a test of competence authorising the granting of a licence to drive vehicles of a class included in the group mentioned in paragraph (a) above is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group.

(10) A full Northern Ireland licence, a full British external licence, a full British Forces licence **[**F259, a Community licence**]** or an exchangeable licence shall be treated for the purposes of paragraphs (b)(ii), (d) **[**F260, (ea)**]** or (f) (as the case may be) of subsection (1) above as authorising the driving of—

(a) **[**F261(except where regulations otherwise provide)**]** vehicles of all classes designated by regulations as a group for the purposes of subsection (1)(b) above, if the licence authorises the driving of vehicles of any class included in the group, or any class corresponding to a class included in the group, and

(b) vehicles of all classes included in another such group, if by virtue of regulations a person holding a licence authorising him to drive vehicles of any class included in the group mentioned in paragraph (a) above is treated as competent also to drive vehicles of a class included in that other group.

(11) F262. . . In this section and section 89A "the appointed day" means the day appointed for the coming into force of section 1 of the Road Traffic (Driver Licensing and Information Systems) Act 1989.**]**

Textual Amendments

F235 Words in s. 89(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(a)**

F236 S. 89(a)–(f) substituted (1.4.1991) for paras. (a)–(d) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 4(1)(2)**

F237 Words in s. 89(1)(c) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(b)**

F238 Words in s. 89(1)(e) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(c)(i)**

F239 Words in s. 89(1)(e) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(c)(ii)**

F240 S. 89(1)(ea) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(d)**

F241 S. 89(1)(f) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(2)(e)**

F242 S. 89(1A) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(3)**

F243 S. 89(2) substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 4(1)(3)**

F244 S. 89(2)(a) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(4)(a)**

F245 S. 89(2A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 6(1)(a)**

F246 Words in s. 89(3)(a) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 63**; S.I. 1992/1286, art. 2, **Sch.**

F247 Words in s. 89(4)(a) inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(a)**

F248 S. 89(4)(aa) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(5)**

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F249 S. 89(5A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 6(1)(b)**
F250 Words in s. 89(6) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(b)(i)**
F251 Word in s. 89(6)(b) substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(b)(ii)**
F252 S. 89(6)(c) and word immediately preceding it inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(b)(iii)**
F253 Words in s. 89(7)(including paras. (a) and (b)) substituted (1.4.1991) for words by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(c)**
F254 Words in s. 89(7)(a) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(6)**
F255 Words in s. 89(8) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(7)**
F256 Word in s. 89(8) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(d)**
F257 S. 89(9)–(11) substituted (1.4.1991) for s. 89(9) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 8(e)**
F258 Words in s. 89(9)(a) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(8)**
F259 Words in s. 89(10) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(9)(a)**
F260 Words in s. 89(10) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(9)(b)**
F261 Words in s. 89(10)(a) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(9)(c)**
F262 Words in s. 89(11) omitted (23.7.1996 for specified purposes otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 2(10)**

Modifications etc. (not altering text)
C68 S. 89(2A) excluded by S.I. 1987/1378, **regs. 23E(2)(4)**, 23F, 23G(1) (as inserted by S.I. 1990/2334, **reg. 4**)

[F263 89A The alternative requirements to those in section 89.

(1) The alternative requirements referred to in section 89(1) of this Act are the following.

(2) The reqirement which is alternative to that specified in section 89(1)(a) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (3) below—

(a) is available to that person if the application is made within the period of ten years beginning with the appointed day, and

(b) is that at some time before the appointed day and during the period of ten years ending with the date the application is made he has passed—

(i) the test of competence to drive prescribed by virtue of section 89(3) of this Act or a test of competence to drive which corresponds to such a test, or

(ii) a Northern Ireland test of competence to drive which corresponds to any test falling within (i) above, or

(iii) a test of competence which under section 89(6) of this Act is a sufficient test or a test of competence to drive which corresponds to such a test.

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(3) The requirement which is alternative to that specified in section 89(1)(a) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this subsection—

(a) is available to that person if the application is made within the period of five years beginning with the appointed day, and

(b) is that at some time before the appointed day and during the period of five years ending with the date the application is made he has passed—

(i) a test of competence to drive a heavy goods vehicle or public service vehicle of a class corresponding to the class of vehicle to which his application relates, or

(ii) a corresponding Northern Ireland test of competence to drive a heavy goods vehicle or public service vehicle of a class which corresponds to the class of goods vehicle or passenger-carrying vehicle to which his application relates.

(4) The requirement which is alternative to that specified in section 89(1)(b) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (5) below is that at some time before the appointed day but not earlier than 1st January 1976 he has held—

(a) a full licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates, or

(b) a full Northern Ireland licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates.

(5) The requirement which is alternative to that specified in section 89(1)(b) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this subsection is that at some time before the appointed day but not earlier than the beginning of the period of five years ending with the appointed day he has held—

(a) a full heavy goods vehicle or a public service vehicle driver's licence authorising the driving of vehicles of a class corresponding to the class of vehicle to which his application relates, or

(b) a full Northern Ireland licence to drive heavy goods vehicles of a class corresponding to the class of vehicle to which his application relates or a Northern Ireland licence to drive public service vehicles of a class corresponding to the class of vehicle to which his application relates.

(6) The requirement which is alternative to that specified in section 89(1)(d) on an application by a person for a licence authorising the driving of motor vehicles of any class—

(a) is available to that person if the application is made within the period of ten years beginning with the appointed day, and

(b) is that at some time before the appointed day and during the period of ten years ending with the date the application is made he has held a full British external licence or a full British Forces licence to drive vehicles of that or a corresponding class.

(7) In this section "heavy goods vehicle" and "public service vehicle" have the same meaning as they had for the purposes of Part IV of this Act or section 22 of the Public Passenger Vehicles Act [M32]1981 before their repeal by section 1 of the Road Traffic (Driver Licensing and Information Systems) Act 1989.**]**

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Textual Amendments

F263 S. 89A inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 4(1)(4)**

Marginal Citations

M32 1981 c.14 (**107:1**).

90 Review of conduct of test.

(1) On the application of a person who has submitted himself for a test of competence to drive—

(a) a magistrates' court acting for the petty sessions area in which he resides, or

(b) in Scotland, the sheriff within whose jurisdiction he resides,

may determine whether the test was properly conducted in accordance with regulations.

(2) The court or, as the case may be, sheriff may, if it appears that the test was not so conducted—

(a) order that the applicant shall be eligible to submit himself for another test before the expiration of the period specified for the purposes of section 89(4)(c) of this Act, and

(b) order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

(3) If regulations make provision for a test of competence to drive to consist of separate parts, this section applies in relation to each part as well as in relation to the whole of the test.

91 Repayment of test fees.

A fee paid in pursuance of regulations made by virtue of section 89(4) of this Act on application for an appointment for a test may be repaid in the following cases and not otherwise—

(a) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Secretary of State,

(b) if the person for whom the appointment is made gives such notice cancelling the appointment as may be prescribed for the purposes of this paragraph by regulations,

(c) if the person for whom the appointment is made keeps the appointment, but the test does not take place, or is not completed, for reasons attributable neither to him nor to any vehicle provided by him for the purposes of the test, or

(d) if an order for the repayment of the fee is made by the court or, as the case may be, sheriff under section 90 of this Act pursuant to a finding that the test was not properly conducted in accordance with the regulations.

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Physical fitness

92 Requirements as to physical fitness of drivers.

(1) An application for the grant of a licence must include a declaration by the applicant, in such form as the Secretary of State may require, stating whether he is suffering or has at any time (or, if a period is prescribed for the purposes of this subsection, has during that period) suffered from any relevant disability or any prospective disability.

(2) In this Part of this Act—

"disability" includes disease **[**F264and the persistent misuse of drugs or alcohol, whether or not such misuse amounts to dependency**]**,

"relevant disability" in relation to any person means—

(a) any prescribed disability, and

(b) any other disability likely to cause the driving of a vehicle by him in pursuance of a licence to be a source of danger to the public, and

"prospective disability" in relation to any person means any other disability which—

(a) at the time of the application for the grant of a licence or, as the case may be, the material time for the purposes of the provision in which the expression is used, is not of such a kind that it is a relevant disability, but

(b) by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in course of time.

(3) If it appears from the applicant's declaration, or if on inquiry the Secretary of State is satisfied from other information, that the applicant is suffering from a relevant disability, the Secretary of State must, subject to the following provisions of this section, refuse to grant the licence.

(4) The Secretary of State must not by virtue of subsection (3) above refuse to grant a licence—

(a) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant has at any time passed a relevant test and it does not appear to the Secretary of State that the disability has arisen or become more acute since that time or was, for whatever reason, not disclosed to the Secretary of State at that time,

(b) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence to a person in whose case the disability is appropriately controlled,

(c) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the application is for a provisional licence.

(5) Where as a result of a test of competence to drive **[**F265or of information obtained under the relevant powers**]** the Secretary of State is satisfied that the person who took the test **[**F265or in relation to whom the information was obtained**]** is suffering from a disability such that there is likely to be a danger to the public—

(a) if he drives any vehicle, F266. . .

(b) if he drives a vehicle other than a vehicle of a particular **[**F267class**]**,

[F268or

F268(c) if he drives a vehicle except in accordance with particular conditions,**]**

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the Secretary of State must serve notice in writing to that effect on that person and must include in the notice a description of the disability.

(6) Where a notice is served in pursuance of subsection (5)(a) above, then—

(a) if the disability is not prescribed under subsection (2) above, it shall be deemed to be so prescribed in relation to the person **[**F269on whom the notice is served**]**, and

(b) if the disability is prescribed for the purposes of subsection (4)(c) above it shall be deemed not to be so prescribed in relation to him.

[F270(7) Where a notice is served in pursuance of subsection (5)(b) above, the Secretary of State may—

(a) if the person on whom the notice is served is an applicant for a licence, grant him a licence limited to vehicles of the particular class specified in the notice, or

(b) if he held a licence which is revoked by the Secretary of State and he complies with subsection (7ZB) below, grant him a licence limited to vehicles of that class,

and, if the Secretary of State so directs in the notice, his entitlement to drive other classes of vehicle by virtue of section 98(2) of this Act shall be limited as specified in the notice.

F270(7ZA) Where a notice is served in pursuance of subsection (5)(c) above, the Secretary of State may—

(a) if the person on whom the notice is served is an applicant for a licence, grant him a licence authorising him to drive vehicles subject to the particular conditions specified in the notice, or

(b) if he held a licence which is revoked by the Secretary of State and he complies with subsection (7ZB) below, grant him a licence authorising him to drive vehicles subject to those conditions,

and, if the Secretary of State so directs in the notice, any entitlement which the person has to drive vehicles by virtue of section 98(2) of this Act shall be subject to conditions as specified in the notice.

F270(7ZB) A person complies with this subsection if—

(a) he surrenders the existing licence and its counterpart, and

(b) where the Secretary of State so requires, he provides evidence of his name, address, sex and date and place of birth and a photograph which is a current likeness of him.

F270(7A) If he considers it appropriate to do so, the Secretary of State may, after serving a notice under any of the paragraphs of subsection (5) above, serve a further notice under that paragraph or a notice under another of those paragraphs; and on his serving the later notice the notice previously served shall cease to have effect and any licence previously granted in accordance with it shall be revoked by the later notice.**]**

[F271(7B) In subsection (5) above the references to a test of competence to drive and to information obtained under the relevant power are references respectively to a test of competence prescribed for the purposes of section 89 or so much of such a test as is required to be taken in pursuance of section 94(5)(c) of this Act and to information obtained in pursuance of section 94(5)(a) or (b) of this Act.

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(7C) A person whose licence is revoked by virtue of subsection (7A) above must deliver the licence **[**[F272]and its counterpart**]** to the Secretary of State forthwith after the revocation and a person who, without reasonable excuse, fails to do so is guilty of an offence.

[[F273](7D) In subsection (7B) above the references to section 94 of this Act include references to that section as applied by section 99D of this Act.**]**

(8) In this section "relevant test", in relation to an application for a licence, means any such test of competence as is mentioned in section 89 of this Act or a test as to fitness or ability in pursuance of section 100 of the [M33]Road Traffic Act 1960 as originally enacted, being a test authorising the grant of a licence in respect of vehicles of the classes to which the application relates.

(9) Without prejudice to subsection (8) above, for the purposes of subsection (4)(a) above—

[[F274](a) an applicant shall be treated as having passed a relevant test if, and on the day on which, he passed a test of competence to drive which—

(i) under a provision of the law of Northern Ireland or a relevant external law corresponding to subsections (3) and (4) or (6) of section 89 of this Act, either is prescribed in relation to vehicles of classes corresponding to the classes to which the application relates or is sufficient under that law for the granting of a licence authorising the driving of vehicles of those classes, or

(ii) is sufficient for the granting of a British Forces licence authorising the driving of vehicles of those classes, and**]**

(b) in the case of an applicant who is treated as having passed a relevant test by virtue of paragraph (a) above, disclosure of a disability to **[**[F275]his licensing authority**]** shall be treated as disclosure to the Secretary of State.

[F276]. . .

[[F277](10) A person who holds a licence authorising him to drive a motor vehicle of any class and who drives a motor vehicle of that class on a road is guilty of an offence if the declaration included in accordance with subsection (1) above in the application on which the licence was granted was one which he knew to be false.**]**

Textual Amendments

F264 Words in the definition of "disability" in s. 92(2) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 3(2)**

F265 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(2)**

F266 Word in s. 92(5)(a) repealed (1.7.1998) by S.I. 1998/1420, reg. 17, **Sch.**

F267 Word substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(2)**

F268 S. 92(5)(c) and the word "or" immediately preceding it inserted (1.7.1998) by S.I. 1998/1420, **reg. 4(2)**

F269 Words in s. 92(6)(a) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 3(3)**

F270 S. 92(7)-(7A) substituted (1.7.1998) for s. 92(7)(7A) by S.I. 1998/1420, **reg. 4(3)**

F271 S. 92(7A)–(7C) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(4)**

F272 Words inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 1(a)**

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F273 S. 92(7D) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 3(5)**

F274 S. 92(9)(a) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(5)(a)**

F275 Words substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(5)(b)**

F276 Words repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F277 S. 92(10) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 18(1)**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)

C69 S. 92(4)(a) modified by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(1)**

Marginal Citations

M33 1960 c. 16.

93 Revocation of licence because of disability or prospective disability.

(1) If the Secretary of State is at any time satisfied on inquiry—

(a) that a licence holder is suffering from a relevant disability, and

(b) that the Secretary of State would be required by virtue of section 92(3) [F278]. . . of this Act to refuse an application for the licence made by him at that time,

the Secretary of State may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(2) If the Secretary of State is at any time satisfied on inquiry that a licence holder is suffering from a prospective disability, the Secretary of State may—

(a) serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice, and

(b) on receipt of the licence so revoked **[**[F279]and its counterpart**]**and of an application made for the purposes of this subsection, grant to the licence holder, free of charge, a new licence for a period determined by the Secretary of State under section 99(1)(b) of this Act.

[[F280](2A) The Secretary of State may require a person to provide—

(a) evidence of his name, address, sex and date and place of birth, and

(b) a photograph which is a current likeness of him,

before granting a licence to him on an application made for the purposes of subsection (2) above.**]**

(3) A person whose licence is revoked under subsection (1) or (2) above must deliver up the licence **[**[F281]and its counterpart**]**to the Secretary of State forthwith after the revocation **[**[F282]and a person who, without reasonable excuse, fails to do so is guilty of an offence.**]**

(4) Where a person whose licence is revoked under subsection (1) or (2) above—

(a) is not in possession of his licence **[**[F283]or its counterpart**]**in consequence of the fact that he has surrendered **[**[F284]them**]**to a constable or authorised person

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(within the meaning of Part III of the [M34]Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act but

(b) delivers **[**[F284]them**]**to the Secretary of State immediately on **[**[F284]their**]**return,

he is not in breach of the duty under subsection (3) above.

Textual Amendments

F278 Words in s. 93(1)(b) omitted (23.7.1996 for specified purposes otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 4**

F279 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 2(a)**

F280 S. 93(2A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 5**

F281 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 2(b)**

F282 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(6)**

F283 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 2(c)(i)(ii)(iii)**

F284 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 2(c)(i)(ii)(iii)**

Marginal Citations

M34 1988 c. 53.

94 Provision of information, etc. relating to disabilities.

(1) If at any time during the period for which his licence remains in force, a licence holder becomes aware—

(a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Secretary of State, or

(b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the licence was granted,

the licence holder must forthwith notify the Secretary of State in writing of the nature and extent of his disability.

(2) The licence holder is not required to notify the Secretary of State under subsection (1) above if—

(a) the disability is one from which he has not previously suffered, and

(b) he has reasonable grounds for believing that the duration of the disability will not extend beyond the period of three months beginning with the date on which he first becomes aware that he suffers from it.

(3) A person who fails without reasonable excuse to notify the Secretary of State as required by subsection (1) above is guilty of an offence.

[[F285](3A) A person who holds a licence authorising him to drive a motor vehicle of any class and who drives a motor vehicle of that class on a road is guilty of an offence if at any earlier time while the licence was in force he was required by subsection (1) above to notify the Secretary of State but has failed without reasonable excuse to do so.**]**

(4) If **[**[F286]the prescribed circumstances obtain in relation to a person who is an applicant for, or the holder of, a licence of if**]** the Secretary of State has reasonable grounds for believing that a person who is an applicant for, or the holder of, a licence may be suffering from a relevant or prospective disability, subsection (5) below applies for the

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purpose of enabling the Secretary of State to satisfy himself whether or not **[**F287that person may be suffering from that or any other relevant or prospective disability**]**.

(5) The Secretary of State may by notice in writing served on the applicant or holder—

(a) require him to provide the Secretary of State, within such reasonable time as may be specified in the notice, with such an authorisation as is mentioned in subsection (6) below, or

(b) require him, as soon as practicable, to arrange to submit himself for examination—

(i) by such registered medical practitioner or practitioners as may be nominated by the Secretary of State, or

(ii) with respect to a disability of a prescribed description, by such officer of the Secretary of State as may be so nominated,

for the purpose of determining whether or not he suffers or has at any time suffered from a relevant or prospective disability, or

(c) except where the application is for, or the licence held is, a provisional licence, require him to submit himself for **[**F288such a test of competence to drive as the Secretary of State directs in the notice.**]**

(6) The authorisation referred to in subsection (5)(a) above—

(a) shall be in such form and contain such particulars as may be specified in the notice by which it is required to be provided, and

(b) shall authorise any registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned to release to the Secretary of State any information which he may have, or which may be available to him, with respect to the question whether, and if so to what extent, the applicant or licence holder concerned may be suffering, or may at any time have suffered, from a relevant or prospective disability.

(7) If he considers it appropriate to do so in the case of any applicant or licence holder, the Secretary of State—

(a) may include in a single notice under subsection (5) above requirements under more than one paragraph of that subsection, and

(b) may at any time after the service of a notice under that subsection serve a further notice or notices under that subsection.

(8) If any person on whom a notice is served under subsection (5) above—

(a) fails without reasonable excuse to comply with a requirement contained in the notice, or

(b) fails any test of competence which he is required to take as mentioned in paragraph (c) of that subsection,

the Secretary of State may exercise his powers under sections 92 and 93 of this Act as if he were satisfied that the applicant or licence holder concerned is suffering from a relevant disability which is not prescribed for the purposes of any paragraph of section 92(4) of this Act or, if the Secretary of State so determines, as if he were satisfied that the applicant or licence holder concerned is suffering from a prospective disability.

(9) **[**F289Except where the requirement is made in the circumstances prescribed for the purposes of subsection (5) above, it shall be for the Secretary of State (and not for any other person) to**]**defray any fees or other reasonable expenses of a registered medical practitioner in connection with—

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(a) the provision of information in pursuance of an authorisation required to be provided under subsection (5)(a) above, or

(b) any examination which a person is required to undergo as mentioned in subsection (5)(b) above.

Textual Amendments

F285 S. 94(3A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 18(2)**; S.I. 1992/1286, **art. 2**,Sch.

F286 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(7)(a)**

F287 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(7)(b)**

F288 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(8)**

F289 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(9)**

Modifications etc. (not altering text)

C70 S. 94 modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

[F290 94A Driving after refusal or revocation of licence.

(1) A person who drives a motor vehicle of any class on a road otherwise than in accordance with a licence authorising him to drive a motor vehicle of that class is guilty of an offence if—

F291(a) at any earlier time the Secretary of State—

(i) has in accordance with section 92(3) of this Act refused to grant such a licence,

(ii) has under section 93(1) or (2) of this Act revoked such a licence, or

(iii) has served notice on that person in pursuance of section 99C(1) or (2) of this Act requiring him to deliver to the Secretary of State a Community licence authorising him to drive a motor vehicle of that or a corresponding class, and

F291(b) since that earlier time he has not been granted—

(i) a licence under this Part of this Act, or

(ii) a Community licence,

authorising him to drive a motor vehicle of that or a corresponding class.**]**

(2) Section 88 of this Act shall apply in relation to subsection (1) above as it applies in relation to section 87.

Textual Amendments

F290 S. 94A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 18(3)**; S.I. 1992/1286, art. 2, **Sch.**

F291 S. 94A(1)(a)(b) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 5(2)**

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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95 Notification of refusal of insurance on grounds of health.

(1) If an authorised insurer refuses to issue to any person such a policy of insurance as complies with the requirements of Part VI of this Act on the ground that the state of health of that person is not satisfactory, or on grounds which include that ground, the insurer shall as soon as practicable notify the Secretary of State of that refusal and of the full name, address, sex and date of birth of that person as disclosed by him to the insurer.

[F292(2) "Authorised insurer" means an insurer who is a member of the Motor Insurers Bureau (a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946).

(3) "Insurer" means—

(a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out relevant contracts of insurance, or

(b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out relevant contracts of insurance.

(4) A contract is a relevant contract of insurance if the risk insured against relates to—

(a) the insured sustaining accidental injury or death as a result of travelling as a passenger;

(b) land vehicles;

(c) goods in transit; or

(d) motor vehicle liability.

(5) This section must be read with—

(a) section 22 of the Financial Services and Markets Act 2000;

(b) any order for the time being in force under that section; and

(c) Schedule 2 to that Act.**]**

Textual Amendments

F292 S. 95(2)-(5) substituted (1.12.2001) for s. 95(2) by S.I. 2001/3649, **arts. 1**, 312

96 Driving with uncorrected defective eyesight.

(1) If a person drives a motor vehicle on a road while his eyesight is such (whether through a defect which cannot be or one which is not for the time being sufficiently corrected) that he cannot comply with any requirement as to eyesight prescribed under this Part of this Act for the purposes of tests of competence to drive, he is guilty of an offence.

(2) A constable having reason to suspect that a person driving a motor vehicle may be guilty of an offence under subsection (1) above may require him to submit to a test for the purpose of ascertaining whether, using no other means of correction than he used at the time of driving, he can comply with the requirement concerned.

(3) If that person refuses to submit to the test he is guilty of an offence.

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Modifications etc. (not altering text)
C71 S. 96 modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

Granting of licences, their form and duration

97 Grant of licences.

(1) Subject to **[**F293the following provisions of this section**]** and section 92 of this Act **[**F294and, in the case of licences to drive large goods vehicles or passenger-carrying vehicles, to Part IV of this Act**]**, the Secretary of State must F295. . . grant a licence to a person who—

(a) makes an application for it in such manner and containing such particulars as the Secretary of State may specify **[**F296and pays the fee (if any) which is prescribed**]**,

(b) provides the Secretary of State with such evidence or further evidence in support of the application as the Secretary of State may require,

[F297(c) surrenders to the Secretary of State—

(i) any previous licence granted to him after 1st January 1976 and its counterpart,

(ii) any Community licence and its counterpart (if any) issued to him, and

(iii) any British external licence or British Forces licence or exchangeable licence held by him,

or provides the Secretary of State with an explanation for not surrendering them which the Secretary of State considers adequate,**]**

(d) is not **[**F298, in accordance with section 88(1B) of this Act, subject to a current disqualification which is relevant to the licence he applies for**]** and is not prevented from obtaining it by the provisions of section 89 of this Act **[**F299or section 4(1) of or paragraph 6(1) or 9(1) of Schedule 1 to the Road Traffic (New Drivers) Act 1995**]**.

[F300(1A) Where any licence to be granted to an applicant would be in the form of a photocard, the Secretary of State may under subsection (1)(a) and (b) above in particular require him to provide a photograph which is a current likeness of him.**]**

(2) If the application for the licence states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose, and nothing in section 89 of this Act shall apply to such a licence.

(3) A provisional licence—

(a) shall be granted subject to prescribed conditions,

(b) shall, in any cases prescribed for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes so prescribed,

(c) may, in the case of a person appearing to the Secretary of State to be suffering from a relevant disability or a prospective disability, be restricted so as to authorise only the driving of vehicles of a particular construction or design specified in the licence, F301. . .

[F302(d) shall not authorise a person under the age of 21 years, before he has passed a test of competence to drive a motor bicycle,—

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(i) to drive a motor bicycle without a side-car unless it is a learner motor bicycle (as defined in subsection (5) below) or its first use (as defined in regulations) occurred before 1st January 1982 and the cylinder capacity of its engine does not exceed 125 cubic centimetres, or

(ii) to drive a motor bicycle with a side-car unless its power to weight ratio is less than or equal to 0.16 kilowatts per kilogram,**][**F303, and

(e) except as provided under subsection (3B) below, shall not authorise a person, before he has passed a test of competence to drive, to drive on a road a motor bicycle **[**F304or moped**]** except where he has successfully completed an approved training course for motor cyclists or is undergoing training on such a course and is driving the motor **[**F305bicycle**][**F304or moped**]** on the road as part of the training.**]**

[F306(3A) Regulations may make provision as respects the training in the driving of motor bicycles **[**F307and mopeds**]** of persons wishing to obtain licences authorising the driving of such motor **[**F308bicycles**][**F307and mopeds**]** by means of courses of training provided in accordance with the regulations; and the regulations may in particular make provision with respect to—

(a) the nature of the courses of training;

(b) the approval by the Secretary of State of the persons providing the courses and the withdrawal of his approval;

(c) the maximum amount of any charges payable by persons undergoing the training;

(d) certificates evidencing the successful completion by persons of a course of training and the supply by the Secretary of State of the forms which are to be used for such certificates; and

(e) the making, in connection with the supply of forms of certificates, of reasonable charges for the discharge of the functions of the Secretary of State under the regulations;

and different provision may be made for training in different classes of motor **[**F308bicycles**][**F307and mopeds**]**.

(3B) Regulations may prescribe cases in which persons holding a provisional licence are exempt from the restriction imposed by subsection (3)(e) above on their driving under the licence; and the regulations may—

(a) limit the exemption to persons in prescribed circumstances;

(b) limit the exemption to a prescribed period or in respect of driving in a prescribed area;

(c) attach conditions to the exemption; and

(d) regulate applications for, and the issue and form of, certificates evidencing the holder's exemption from the restriction.**]**

(4) Regulations may authorise or require the Secretary of State to refuse a provisional licence authorising the driving of a motor **[**F309bicycle**][**F310or moped**]** of a prescribed class if the applicant has held such a provisional licence and the licence applied for would come into force within the prescribed period—

(a) beginning at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor **[**F309bicycle**][**F310or moped**]**, or

(b) beginning at such other time as may be prescribed.

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(5) A learner motor **[**F311bicycle**]** is a motor **[**F311bicycle**]** which either is propelled by electric power or has the following characteristics—

(a) the cylinder capacity of its engine does not exceed 125 cubic centimetres,

[F312(b) the maximum net power output of its engine does not exceed eleven kilowatts.**]**

[F313(6) In this section—

"maximum net power output", in relation to an engine, means the maximum net power output measured under full engine load, and

"power to weight ratio", in relation to a motor bicycle with a side-car, means the ratio of the maximum net power output of the engine of the motor bicycle to the weight of the combination with—

(a) a full supply of fuel in the tank,

(b) an adequate supply of other liquids needed for its propulsion, and

(c) no load other than its normal equipment, including loose tools.**]**

F314(7) . . . . . .

Textual Amendments

F293 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 6(2)(a)**

F294 Words inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 9(a)**

F295 Words repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F296 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 9(b)**

F297 S. 97(1)(c) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(2)**

F298 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 9(d)**

F299 Words in s. 97(1)(d) inserted (1.6.1997) by 1995 c. 13, s. 10(4), **Sch. 2 para. 2(2)(b)** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

F300 S. 97(1A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(2)**

F301 Word repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F302 S. 97(3)(d) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(3)(a)**

F303 S. 97(3)(e) and word immediately preceding it inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 6(2)(b)**

F304 Words in s. 97(3)(e) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(3)**

F305 Word in s. 97(3)(e) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(3)(b)**

F306 S. 97(3A)(3B) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 6(2)(c)**

F307 Words in s. 97(3A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(4)**

F308 Words in s. 97(3A) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(4)**

F309 Words in s. 97(4) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(5)**

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F310 Words in s. 97(4) inserted (1.7.1998) by S.I. 1998/1420, **reg. 6(5)**
F311 Words in s. 97(5) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(6)(a)**
F312 S. 97(b) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) for s. 97(b)(c) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(6)(b)**
F313 S. 97(6) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 6(7)**
F314 S. 97(7) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 17(3), 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)
C72 S. 97(3) exluded (23.6.1999) by S.I. 1999/1736, **art. 8(4)**
C73 S. 97(3)(e) excluded by S.I. 1987/1378, **regs. 23E(2)**, 23G(2) (as inserted by S.I. 1990/2334, **reg. 4**)

98 Form of licence.

[F315(1) A licence shall be in the form of a photocard of a description specified by the Secretary of State or such other form as he may specify and—

(a) the licence shall state whether, apart from subsection (2) below, it authorises its holder to drive motor vehicles of all classes or of certain classes only and, in the latter case, specify those classes,

(b) the licence shall specify (in such manner as the Secretary of State may determine) the restrictions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of section 101 of this Act and any conditions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of section 92(7ZA) of this Act, and

(c) in the case of a provisional licence, the licence or its counterpart shall specify (in such manner as the Secretary of State may determine) the conditions subject to which it is granted.

F315(1A) The Secretary of State may specify different descriptions of photocards, and different forms of licences not in the form of a photocard, for different cases and may determine the form of licence to be granted in any case.**]**

(2) Subject to subsections (3) **[**F316, (4) and (4A)**]** below, a **[**F317person who holds a licence which**]** authorises its holder to drive motor vehicles of certain classes only (not being —

[F318(a) a provisional licence, or

(b) any other prescribed description of licence)**]**

[F319may**]**drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive motor vehicles of those other classes.

(3) **[**F320Subsection (2) above does not**]** authorise a person to drive—

(a) a vehicle of a class for the driving of which he could not, by reason of the provisions of section 101 of this Act, lawfully hold a licence, or

(b) unless **[**F321he has either passed a test of competence to drive a motor bicycle or attained the age of 21 years, a motor bicycle**]**which, by virtue of section 97(3)(d) of this Act, a provisional licence would not authorise him to drive before he had passed that test **[**F322; or**][**F323or attained that age (as the case may be)**]**

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[F322(c) unless he has passed a test of competence to drive, a motor bicycle **[**F324or moped**]** on a road in circumstances in which, by virtue of section 97(3)(e) of this Act, a provisional licence would not authorise him to drive it before he had passed that test.**]**

(4) In such cases **[**F325or as respects such classes of vehicles**]**as the Secretary of State may prescribe, the provisions of subsections (2) and (3) above shall not apply or shall apply subject to such limitations as he may prescribe.

[F326(4A) **[**F327Subsection (2) above does not**]**authorise a person on whom a notice under section 92(5)(b) of this Act has been served to drive motor vehicles otherwise than in accordance with the limits specified in the notice.**]**

F328(5) . . . . . .

Textual Amendments

F315 S. 98(1)(1A) substituted (1.7.1998) for s. 98(1) by S.I. 1998/1420, **reg. 7(2)**

F316 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(10)(a)**

F317 Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 4(b)(i)**

F318 S. 98(2)(a)(b) substituted for paras. (a)–(c) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 11(b)**

F319 Word substituted by S. I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 4(b)(ii)**

F320 Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 4(c)**

F321 Words in s. 98(3)(b) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 7(3)(a)**

F322 S. 98(3)(c) and word immediately preceding it inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 11(c)(ii)**

F323 Words in s. 98(3)(b) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 7(3)(b)**

F324 Words in s. 98(3)(c) inserted (1.7.1998) by S.I. 1998/1420, **reg. 7(3)**

F325 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 11(d)**

F326 S. 98(4A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 5(10)(b)**

F327 Words substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 1(b)**

F328 S. 98(5) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 17(3), 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)

C74 S. 98(2) restricted by S.I. 1987/1378, **reg. 34** (as inserted by S.I. 1990/842, **reg. 11**)

C75 S. 98(2) excluded (1.4.1991) by S.I. 1990/2612, **reg. 10(1)(2)(3)**
S. 98(2) restricted (12.11.1999) by S.I. 1999/2864, **reg. 19(1)(3)**

C76 S. 98(3) excluded (1.4.1991) by S.I. 1990/2612, **reg. 10(1)(2)(3)**
S. 98(3) excluded (23.6.1999) by S.I. 1999/1736, **art. 8(4)**

C77 S. 98(3)(c) excluded by S.I. 1987/1378, **regs. 23E(3)**, 23G(3) (as inserted by S.I. 1990/2334, **reg. 4**)
S. 98(3)(c) excluded (12.11.1999) by S.I. 1999/2864, **reg. 69(1)(5)**

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PROSPECTIVE

[F329 98A Compulsory surrender of old-form licences

(1) The Secretary of State may by order require the holders of licences of a specified description, or any specified description of the holders of such licences, to surrender the licences **[**F330and their counterparts **]** to the Secretary of State.

(2) An order under this section may specify as the description of licences to be surrendered—

(a) licences which are not in the form of a photocard, or

(b) licences in the form of a photocard of a description no longer specified by the Secretary of State as a form in which licences are granted.

(3) An order under this section must specify the date by which the licences to which it relates **[**F331(and their counterparts) **]** are to be surrendered; and may specify different dates in relation to different descriptions of licence holders.

(4) An order under this section must include provision for the grant of a new licence to every holder of a licence surrendered **[**F332(with its counterpart) **]** in pursuance of the order who—

(a) pays such fee (if any) as is specified by the order, F333...

(b) provides the Secretary of State with such evidence or further evidence as the Secretary of State may require (which may include a photograph which is a current likeness of him).**[**F334 and

(c) provides such evidence or further evidence as the Secretary of State may require for the purpose of satisfying the Secretary of State that the holder is not suffering from a relevant or prospective disability.**]**

(5) A replacement licence granted pursuant to provision made by virtue of subsection (4) above expires on the date on which the surrendered licence would have expired had it not been surrendered (but subject to subsection (6) below).

(6) Where the period for which the surrendered licence was granted was based on an error with respect to the licence holder's date of birth such that (if the error had not been made) that licence would have been expressed to expire on a different date, the replacement licence expires on that different date.

(7) A person who, without reasonable excuse, fails to comply with any requirement to surrender a licence **[**F335and its counterpart **]** imposed by an order under this section is guilty of an offence.

(8) An order under this section may—

(a) make different provision for different cases, and

(b) contain such incidental and supplementary provisions as the Secretary of State considers appropriate.

(9) The power to make an order under this section is exercisable by statutory instrument.

(10) Before making an order under this section the Secretary of State must consult with such representative organisations as he thinks fit.

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(11) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F329 S. 98A inserted (prosp.) by Road Safety Act 2006 (c. 49), **ss. 39(1)**, 61

F330 Words in s. 98A(1) repealed (prosp.) by Road Safety Act 2006 (c. 49), ss. 10(12), 59, 61, Sch. 3 para. 8(2), **Sch. 7(4)**

F331 Words in s. 98A(3) repealed (prosp.) by Road Safety Act 2006 (c. 49), ss. 10(12), 59, 61, Sch. 3 para. 8(3), **Sch. 7(4)**

F332 Words in s. 98A(4) repealed (prosp.) by Road Safety Act 2006 (c. 49), ss. 10(12), 59, 61, Sch. 3 para. 8(4), **Sch. 7(4)**

F333 Word in s. 98A(4) omitted by Road Safety Act 2006 (c. 49), s. 39(1) (as amended) (20.4.2012) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), Sch. 2 para. 2(2)(a)

F334 S. 98A(4)(c) and word inserted by Road Safety Act 2006 (c. 49), s. 39(1) (as amended) (20.4.2012) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 2 para. 2(2)(b)**

F335 Words in s. 98A(7) repealed (prosp.) by Road Safety Act 2006 (c. 49), ss. 10(12), 59, 61, Sch. 3 para. 8(5), **Sch. 7(4)**

99 Duration of licences.

(1) **[**F336In so far as a licence authorises its holder to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, it**]**shall, unless previously revoked or surrendered, remain in force, subject to subsection (2) below—

(a) except in a case falling within paragraph (b) or (c) of this subsection, for the period ending on the seventieth anniversary of the applicant's date of birth or for a period of three years, whichever is the longer,

(b) except in a case falling within paragraph (c) of this subsection, if the Secretary of State so determines in the case of a licence to be granted to a person appearing to him to be suffering from a relevant or prospective disability, for such period of not more than three years and not less than one year as the Secretary of State may determine, and

(c) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,

and any such period shall begin with the date on which the licence in question is expressed to come into force.

[F337(1A) In so far as a licence authorises its holder to drive any prescribed class of goods vehicle or passenger-carrying vehicle, it shall, unless previously revoked, suspended or surrendered, remain in force—

(a) except in a case falling within paragraph (c) or (d) of this subsection—

(i) for the period ending on the forty-fifth anniversary of the applicant's date of birth or for a period of five years, whichever is the longer, or

(ii) where the applicant's age at the date on which the licence is to come into force will exceed forty-five but not sixty-five years, for the period

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ending on the sixty-sixth anniversary of the applicant's date of birth or for a period of five years, whichever is the shorter,

(b) except in a case falling within paragraph (d) of this subsection, where the applicant's age at that date will exceed sixty-five years, for a period of one year,

(c) except in a case falling within paragraph (b) or (d) of this subsection, if the Secretary of State so determines in the case of a licence to be granted to a person appearing to him to be suffering from a relevant or prospective disability, for such period of not more than three years and not less than one year as the Secretary of State may determine, and

(d) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,

and any such period shall begin with the date on which the licence in question is expressed to come into force.**]**

(2) To the extent that a provisional licence authorises the driving of a motor **[**[F338]bicycle**][**[F339]or moped**]**of a prescribed class it shall, unless previously surrendered or revoked, remain in force—

(a) for such period as may be prescribed, or

(b) if the licence is granted to the holder of a previous licence which was surrendered, revoked or treated as being revoked—

(i) for the remainder of the period for which the previous licence would have authorised the driving of such a motor **[**[F338]bicycle**][**[F339]or moped**]**, or

(ii) in such circumstances as may be prescribed, for a period equal to that remainder at the time of surrender or revocation.

[[F340](2A) Where, in accordance with the preceding provisions of this section, a licence in the form of a photocard remains in force for a period of more than ten years, the holder of the licence must surrender it and its counterpart to the Secretary of State not later than the end of the period of ten years beginning with—

(a) the date shown on the licence as the date of its issue, or

(b) if the licence was granted by way of renewal or replacement of a licence bearing the same photograph, the date shown on the earliest licence bearing that photograph as the date of issue of that licence.**]**

(3) Where it appears to the Secretary of State—

[[F341](a) that a licence granted by him to any person was granted in error or with an error or omission in the particulars specified in the licence, or

(aa) that the counterpart of a licence granted by him to any person is required to be endorsed in pursuance of any enactment or was issued with an error or omission in the particulars specified in the counterpart or required to be so endorsed on it, or**]**

(b) that the particulars specified in a licence granted by him to any person **[**[F342]or in its counterpart**]**do not comply with any requirement imposed since the licence was granted by any provision made by or having effect under any enactment,

the Secretary of State may serve notice in writing on that person revoking the licence and requiring him to surrender the licence **[**[F343]and its counterpart**]**forthwith to the

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Secretary of State **[**F344and it shall be the duty of that person to comply with the requirement**]**.

(4) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder must forthwith surrender the licence **[**F345and its counterpart**]**to the Secretary of State F346. . ..

(5) A person who **[**F347without reasonable cause**]**fails to comply with the duty under subsection **[**F348(2A),**][**F347(3) or**]**(4) above is guilty of an offence.

(6) Where a person who has a duty under this section to surrender his licence **[**F349and its counterpart**]**is not in possession of **[**F350them**]**in consequence of the fact that he has surrendered **[**F351them**]**to a constable or authorised person (within the meaning of Part III of the M35Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act, he does not fail to comply with the duty if he surrenders the licence **[**F352and its counterpart**]**to the Secretary of State immediately on **[**F353their**]**return.

[F354F354(7) On the surrender of a licence and its counterpart by a person in pursuance of subsection (2A), (3) or (4) above, the Secretary of State must (subject to the following provisions of this section) grant a new licence to that person and any licence granted under this subjection shall be granted free of charge.

F354(7A) Where the surrendered licence was revoked because it was granted in error or in consequence of an error or omission appearing to the Secretary of State to be attributable to the fault of the licence holder or in consequence of a current disqualification, subsection (7) shall not apply but the Secretary of State may, if the person is not currently disqualified, grant a new licence to that person on payment of the fee (if any) which is prescribed.

F354(7B) The Secretary of State may require a person to provide—

(a) evidence of his name, address, sex and date and place of birth, and

(b) a photograph which is a current likeness of him,

before granting a new licence to him under subsection (7) or (7A) above.

F354(8) A replacement licence granted pursuant to subsection (7) or (7A) above shall expire on the date on which the surrendered licence would have expired had it not been surrendered except that, where the period for which the surrendered licence was granted was based on an error with respect to the licence holder's date of birth such that (if that error had not been made) that licence would have been expressed to expire on a different date, the replacement licence shall expire on that different date.**]**

Textual Amendments

F336 Words commencing "In so far as" substituted (1.4.1991) for words "A licence" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 12(a)**

F337 S. 99(1A) inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), **s. 2(2)**

F338 Words in s. 99(2) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 8**

F339 Words in s. 99(2) inserted (1.7.1998) by S.I. 1998/1420, **reg. 8(2)**

F340 S. 99(2A) inserted (1.7.1998) by S.I. 1998/1420, **reg. 8(3)**

F341 S. 99(3) paras. (a)(aa) substituted for para. (a) by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(a)(i)**

F342 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(a)(ii)**

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F343 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(a)(iii)**
F344 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 12(b)**
F345 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(b)**
F346 Words in s. 99(4) omitted (1.7.1998) by virtue of S.I. 1998/1420, **reg. 8(4)**
F347 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 12(c)**
F348 Words in s. 99(5) inserted (1.7.1998) by s.I. 1998/1420, reg. 8(5)
F349 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(i)**
F350 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(ii)**
F351 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(iii)**
F352 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(iv)**
F353 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 5(c)(v)**
F354 S. 99(7)-(8) substituted (1.7.1998) for s. 99(7)(8) by S.I. 1998/1420, **reg. 8(1)(6)**

Modifications etc. (not altering text)
C78 S. 99 applied (S.) (21.3.1999) by S.I. 1999/854, **art. 3(4)(a)(b)**

Marginal Citations
M35 1988 c. 53.

[F355 Driver training]

Textual Amendments
F355 Ss. 99ZA-99ZC and cross-heading inserted (1.5.2002) by 2000 c. 38, **s. 257**; S.I. 2002/1014, art. 2, **Sch. Pt. II**

[F356 99ZA Compulsory driver training courses.

Regulations may make provision about training in the driving of motor vehicles by means of courses provided in accordance with the regulations ("driver training courses").]

Textual Amendments
F356 Ss. 99ZA-99ZC and cross-heading inserted (1.5.2002) by 2000 c. 38, **s. 257**; S.I. 2002/1014, art. 2, **Sch. Pt. II**

[F357 99ZB Requirements to complete training courses.

(1) Regulations under section 99ZA of this Act may provide that persons who have not successfully completed a driver training course—

(a) may not take a test of competence to drive motor vehicles of a prescribed class (or a prescribed part of such a test),

(b) are not authorised to drive motor vehicles of a prescribed class (before having passed a test of competence to drive them) by a provisional licence (or by section 98(2) or 99A(5) of this Act),

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(c) are not granted a licence authorising the driving of motor vehicles of a prescribed class by virtue of regulations under section 89(6)(b) or (c) of this Act, or

(d) are not authorised to drive motor vehicles of a prescribed class in prescribed circumstances (despite having passed a test of competence to drive them).

(2) But a person is exempt from provision made by virtue of subsection (1)(b), (c) or (d) above if he is undergoing training on a driver training course and is driving a motor vehicle as part of the training.

(3) And regulations under section 99ZA of this Act may include provision exempting persons from any provision made by virtue of subsection (1) above in other circumstances; and regulations including such provision may (in particular)—

(a) limit an exemption to persons in prescribed circumstances,

(b) limit an exemption to a prescribed period or in respect of driving in a prescribed area,

(c) attach conditions to an exemption, and

(d) regulate applications for an exemption.

(4) Regulations under section 99ZA of this Act may include provision for the evidencing by a person of his being within—

(a) the exemption specified in subsection (2) above, or

(b) any exemption provided by virtue of subsection (3) above.

(5) Regulations under section 99ZA of this Act may provide that a driver training course is not to be taken into account for the purposes of the regulations if it was completed before such time as is prescribed.**]**

Textual Amendments

F357 Ss. 99ZA-99ZC and cross-heading inserted (1.5.2002) by 2000 c. 38, **s. 257**; S.I. 2002/1014, art. 2, **Sch. Pt. II**

[F358 99ZC Driver training courses: supplementary.

(1) Regulations under section 99ZA of this Act may include—

(a) provision about the nature of driver training courses,

(b) provision for the approval by the Secretary of State of persons providing such courses and the withdrawal of approvals (including provision for appeals against refusal and withdrawal of approvals) and provision for exemptions from any requirement of approval,

(c) provision for the training or assessment, or the supervision of the training or assessment, of persons providing driver training courses,

(d) provision setting the maximum amount of any charges payable by persons undergoing such courses, and

(e) provision for the evidencing of the successful completion of such courses.

(2) Such regulations may include provision for the charging of reasonable fees in respect of the exercise of any function conferred or imposed on the Secretary of State by such regulations.

(3) Such regulations may make different provision—

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(a) for different classes of motor vehicles,
(b) for different descriptions of persons, or
(c) otherwise for different circumstances.**]**

Textual Amendments

F358 Ss. 99ZA-99ZC and cross-heading inserted (1.5.2002) by 2000 c. 38, **s. 257**; S.I. 2002/1014, art. 2, **Sch. Pt. II**

[F359 Community licence holders]

Textual Amendments

F359 S. 99A and cross-heading inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 9**

F360 99A [Authorisation to drive in Great Britain.]

(1) A Community licence holder may drive, and a person may cause or permit a Community licence holder to drive, in Great Britain, a motor vehicle of any class which—
(a) he is authorised by his Community licence to drive, and
(b) he is not disqualified for holding or obtaining a licence under this Part of this Act to drive,
notwithstanding that he is not the holder of a licence under this Part of this Act.

(2) Subsections (3) and (4) below apply to a Community licence holder who is normally resident in Great Britain.

(3) In a case where the Community licence holder is authorised by his Community licence to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, he shall cease to be authorised by virtue of subsection (1) above to drive in Great Britain any such classes of motor vehicle from—
(a) the date on which he attains the age of seventy years, or
(b) the expiry of the period of three years beginning with the relevant date,
whichever is the later.

(4) In a case where the Community licence holder is authorised by his Community licence to drive any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, he shall cease to be authorised by virtue of subsection (1) above to drive in Great Britain any such class of vehicle from—
[F361(a) except in a case falling within paragraph (b) or (c) of this subsection—
(i) the date on which he attains the age of 45 years, or
(ii) the expiry of the period of five years beginning with the relevant date,
whichever is the later,**]**
(b) where his age at the relevant date exceeds forty-five but not sixty-five years—
(i) the date on which he attains the age of sixty-six years, or
(ii) the expiry of the period of five years beginning with the relevant date,

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whichever is the earlier, and

(c) where his age at the relevant date exceeds sixty-five years, the expiry of the period of one year beginning with that date.

(5) A Community licence holder—

(a) to whom a counterpart of his Community licence is issued under section 99B of this Act, and

(b) who is authorised by virtue of subsection (1) above to drive in Great Britain motor vehicles of certain classes only,

may drive, in Great Britain, motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive motor vehicles of those other classes.

(6) Subsections (3) and (4) of section 98 of this Act shall apply in relation to subsection (5) above as they apply in relation to subsection (2) of that section.

(7) For the purposes of this Part and Part IV of this Act a Community licence shall not be treated as authorising a person to drive a vehicle of any class if it is not for the time being valid for that purpose in the EEA State in respect of which it was issued.

(8) In this section "relevant date", in relation to a Community licence holder who is normally resident in Great Britain, means—

(a) in the case where he first became so resident on or before 1 January 1997, that date; and

(b) in any other case, the date on which he first became so resident.

Textual Amendments

F360 S. 99A inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 9**

F361 S. 99A(4)(a) substituted (1.7.1998) by S.I. 1998/1420, **reg. 9**

Modifications etc. (not altering text)

C79 S. 99A(5) restricted (12.11.1999) by S.I. 1999/2864, **reg. 19(1)(3)(8)**

[F362 99B Information about resident Community licence holders.

(1) A Community licence holder who—

(a) is normally resident in Great Britain, and

(b) is authorised by his Community licence to drive medium-sized or large goods vehicles or passenger-carrying vehicles of any class,

shall, on or before the expiry of the period of twelve months beginning with the relevant date, deliver his Community licence to the Secretary of State and provide him with the information specified in, or required under, subsection (4) below.

(2) Subsection (1) above shall not apply to a Community licence holder from whom the Secretary of State has received a qualifying application (within the meaning of section 88(1A) of this Act) for the grant of a licence under this Part of this Act.

(3) The Secretary of State may issue to any Community licence holder who—

(a) is normally resident in Great Britain, and

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(b) has delivered his Community licence to the Secretary of State, and provided him with the information specified in, or required under, subsection (4) below, (whether or not in pursuance of this section),

a document (referred to in this Part of this Act in relation to a Community licence as a "counterpart") in such form and containing such information as the Secretary of State may determine but designed for the endorsement of particulars relating to the Community licence.

(4) The information referred to in subsections (1) and (3) above is—

(a) the name and address in Great Britain of the Community licence holder;

(b) his date of birth;

(c) the classes of vehicle which he is authorised by his Community licence to drive;

(d) the period of validity of the Community licence in the EEA State in respect of which it was issued;

(e) whether the licence was granted in exchange for a licence issued by a state other than an EEA State; and

(f) such other information as the Secretary of State may require for the purposes of the proper exercise of any of his functions under this Part or Part IV of this Act.

(5) The Secretary of State—

(a) may endorse a Community licence delivered to him (whether or not in pursuance of this section) in such manner as he may determine with any part of the information specified in, or required under, subsection (4) above or with information providing a means of ascertaining that information or any part of it; and

(b) must return the Community licence to the holder.

(6) Where it appears to the Secretary of State that a counterpart of a Community licence—

(a) is required to be endorsed in pursuance of any enactment or was issued with an error or omission in the information contained in it or in the particulars required to be endorsed on it, or

(b) does not comply with any requirement imposed since it was issued by any provision made by, or having effect under, any enactment,

the Secretary of State may serve notice in writing on the Community licence holder requiring him to surrender the counterpart immediately to the Secretary of State and it shall be the duty of the Community licence holder to comply with any such requirement.

(7) Where the name or address of a Community licence holder as specified in the counterpart of his Community licence issued to him under this section ceases to be correct, the Community licence holder must surrender the counterpart and, in the case of a change of name, deliver his Community licence, immediately to the Secretary of State and provide him with particulars of the alterations falling to be made in the name or address.

(8) On the surrender of a counterpart of a Community licence by any person in pursuance of subsection (6) or (7) above, the Secretary of State must issue to that person a new counterpart of the Community licence.

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(9) On the delivery of a Community licence by any person in pursuance of subsection (7) above, the Secretary of State may endorse the Community licence with the correct name and must return the Community licence to that person.

(10) Where a Community licence holder has not complied with subsection (1) above, the Secretary of State may serve notice in writing on the holder requiring him to deliver his Community licence to the Secretary of State and to provide him with the information specified in, or required under, subsection (4) above within such period (not being less than 28 days from the date of service of the notice) as is specified in the notice.

(11) A person who drives a motor vehicle on a road is guilty of an offence if he fails without reasonable excuse—

(a) to comply with a requirement contained in a notice served on him in pursuance of subsection (10) above, or

(b) to comply with a requirement imposed under subsection (6) or (7) above.

(12) Where a Community licence holder who is required under subsection (6) or (7) above to surrender the counterpart of his Community licence or to deliver his Community licence is not in possession of it in consequence of the fact that he has surrendered it to a constable or authorised person (within the meaning of Part III of the Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act, he does not fail to comply with that requirement if he surrenders the counterpart or delivers the Community licence immediately on its return.

(13) In England and Wales, proceedings for an offence by virtue of subsection (11)(a) above shall not be instituted except by the Secretary of State or by a constable acting with the approval of the Secretary of State.

(14) In this section "relevant date" has the meaning given by section 99A(8) of this Act.**]**

Textual Amendments

F362 S. 99B inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 10**

[F363 99C Revocation of authorisation conferred by Community licence because of disability or prospective disability.

(1) If the Secretary of State is at any time satisfied on inquiry—

(a) that a Community licence holder who is normally resident in Great Britain at that time is suffering from a relevant disability, and

(b) that the Secretary of State would be required by virtue of section 92(3) of this Act to refuse an application made by him at that time for a licence authorising him to drive a vehicle of the class in respect of which his Community licence was issued or a class corresponding to that class,

the Secretary of State may serve notice in writing requiring the Community licence holder to deliver the Community licence and its counterpart (if any) immediately to the Secretary of State.

(2) If the Secretary of State is at any time satisfied on inquiry that a Community licence holder who is normally resident in Great Britain at that time is suffering from a prospective disability, the Secretary of State may—

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(a) serve notice in writing requiring the Community licence holder to deliver the Community licence and its counterpart (if any) immediately to the Secretary of State, and

(b) on receipt of the Community licence and its counterpart (if any) grant to the Community licence holder, free of charge, a licence for a period determined by the Secretary of State under section 99(1)(b) of this Act.

(3) Where, in relation to a Community licence holder who is normally resident in Great Britain, the Secretary of State is at any time under a duty to serve notice on him in pursuance of section 92(5) of this Act, the Secretary of State may include in that notice a requirement that the Community licence holder deliver the Community licence and its counterpart (if any) immediately to the Secretary of State.

(4) A person who—

(a) is required under, or by virtue of, any of subsections (1) to (3) above to deliver his Community licence and its counterpart (if any) to the Secretary of State, but

(b) without reasonable excuse, fails to do so,

is guilty of an offence.

(5) Where a Community licence holder to whom a counterpart of his Community licence is issued under section 99B of this Act—

(a) is required under, or by virtue of, any of subsections (1) to (3) above to deliver his Community licence and its counterpart to the Secretary of State, and

(b) is not in possession of them in consequence of the fact that he has surrendered them to a constable or authorised person (within the meaning of Part III of the Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act,

he does not fail to comply with any such requirement if he delivers the Community licence and its counterpart to the Secretary of State immediately on their return.

(6) Where a Community licence holder is served with a notice in pursuance of any of subsections (1) to (3) above, he shall cease to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a motor vehicle of any class from such date as may be specified in the notice, not being earlier than the date of service of the notice.**]**

Textual Amendments

F363 S. 99C inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 11**

[F364 99D Information relating to disabilities etc.

Section 94 of this Act F365 shall apply to a Community licence holder who is normally resident in Great Britain as if—

(a) in subsection (1), for the words from the beginning to "aware" there were substituted "If a Community licence holder who is authorised by virtue of section 99A(1) of this Act to drive in Great Britain a motor vehicle of any class, is aware immediately before the relevant date (as defined by section 99A(8) of this Act), or becomes aware on or after that date",

(b) for subsection (3A) there were substituted—

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(3A) A person who is authorised by virtue of section 99A(1) of this Act to drive in Great Britain a motor vehicle of any class and who drives on a road a motor vehicle of that class is guilty of an offence if at any earlier time while he was so authorised he was required by subsection (1) above to notify the Secretary of State but has failed without reasonable excuse to do so.

(c) in subsection (4), the words "an applicant for, or", in both places where they occur, were omitted,

(d) in subsection (5), the words "applicant or" and the words from the beginning of paragraph (c) to "provisional licence" were omitted,

(e) in subsection (6)(b), the words "applicant or", in both places where they occur, were omitted,

(f) in subsection (7), the words "applicant or" were omitted, and

(g) in subsection (8)—

(i) for "93" there were substituted "99C", and

(ii) the words "applicant or", in both places where they occur, were omitted.**]**

Textual Amendments

F364 S. 99D inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 12**

F365 Subsection (3A) was inserted by section 18(2) of the 1991 Act; subsections (4) and (5)(c) were amended by section 5(7) and (8) of the 1989 Act.

[F366 99E Return of Community licences delivered to Secretary of State.

(1) This section applies where a Community licence is delivered to the Secretary of State in pursuance of section 99C or 115A of this Act.

(2) Subject to subsection (3) below, the Secretary of State must, on or after the expiry of the relevant period, forward the Community licence to the licensing authority in the EEA state in respect of which it was issued and explain to them his reasons for so doing.

(3) Where the Secretary of State is satisfied that the Community licence holder has ceased to be normally resident in Great Britain before the expiry of the relevant period, the Secretary of State must return the Community licence to the holder.

(4) In this section "relevant period" means—

(a) in a case where the Community licence holder appeals under section 100 or 119 of this Act against the requirement to surrender his Community licence, the period ending on the date on which the appeal is finally determined or abandoned, and

(b) in any other case, the period of seven months beginning with the date on which the Secretary of State received the Community licence.**]**

Textual Amendments

F366 S. 99E inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 13**

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Appeals

100 Appeals relating to licences.

(1) A person who is aggrieved by the Secretary of State's—

(a) refusal to grant or revocation of a licence in pursuance of section 92 or 93 of this Act, or

(b) determination under section 99(1)(b) of this Act to grant a licence for three years or less, or

(c) revocation of a licence in pursuance of section 99(3) of this Act,

or by a notice served on him in pursuance of section 92(5) **[**F367or 99C**]** of this Act may, after giving to the Secretary of State notice of his intention to do so, appeal to a magistrates' court acting for the petty sessions area in which he resides or, in Scotland, to the sheriff within whose jurisdiction he resides.

(2) On any such appeal the court or sheriff may make such order as it or he thinks fit and the order shall be binding on the Secretary of State.

(3) It is hereby declared that, without prejudice to section 90 of this Act, in any proceedings under this section the court or sheriff is not entitled to entertain any question as to whether the appellant passed a test of competence to drive if he was declared by the person who conducted it to have failed it.

Textual Amendments

F367 Words in s. 100 inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 14**

Disqualification (otherwise than on conviction)

101 Disqualification of persons under age.

(1) A person is disqualified for holding or obtaining a licence to drive a motor vehicle of a class specified in the following Table if he is under the age specified in relation to it in the second column of the Table.

[F368**Class of motor vehicle**	**Age (in years)**
1. Invalid carriage	16
2. Moped	16
3. Motor bicycle	17
4. Agricultural or forestry tractor	17
5. Small vehicle	17
6. Medium-sized good vehicle	18
Other motor vehicle	21**]**

(2) The Secretary of State may by regulations provide that subsection (1) above shall have effect as if for the classes of vehicles and the ages specified in the Table in that

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subsection there were substituted different classes of vehicles and ages or different classes of vehicles or different ages.

(3) Subject to subsection (4) below, the regulations may—

(a) apply to persons of a class specified in or under the regulations,

(b) apply in circumstances so specified,

(c) impose conditions or create exemptions or provide for the imposition of conditions or the creation of exemptions,

(d) contain such transitional and supplemental provisions (including provisions amending section 108, 120 or 183(5) of this Act) as the Secretary of State considers necessary or expedient.

(4) For the purpose of defining the class of persons to whom, the class of vehicles to which, the circumstances in which or the conditions subject to which regulations made by virtue of subsection (2) above are to apply where an approved training scheme for drivers is in force, it is sufficient for the regulations to refer to a document which embodies the terms (or any of the terms) of the scheme or to a document which is in force in pursuance of the scheme.

(5) In subsection (4) above—

"approved" means approved for the time being by the Secretary of State for the purpose of the regulations,

"training scheme for drivers" means a scheme for training persons to drive vehicles of a class in relation to which the age which is in force under this section (but apart from any such scheme) is 21 years,

but no approved training scheme for drivers shall be amended without the approval of the Secretary of State.

Textual Amendments

F368 Table in s. 101(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 15**

Modifications etc. (not altering text)

C80 S. 101 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(5)**

102 Disqualification to prevent duplication of licences.

A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class so long as he is the holder of another licence authorising him to drive a motor vehicle of that class, whether the licence is suspended or not.

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VALID FROM 11/10/2004

[F369 Disqualification if disqualified in Northern Ireland etc.

Textual Amendments

F369 S. 102A and cross-heading inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), **ss. 76**, 94; S.I. 2004/2624, **art. 2(2)(a)**

102A Disqualification while disqualified in Northern Ireland, Isle of Man, Channel Islands or Gibraltar

(1) A person is disqualified for holding or obtaining a licence to drive a motor vehicle of any class so long as he is subject to a relevant disqualification imposed outside Great Britain.

(2) For the purposes of this section a person is subject to a relevant disqualification imposed outside Great Britain if, in respect of any offence—

(a) a court in Northern Ireland disqualifies him for holding or obtaining a Northern Ireland licence,

(b) a court in the Isle of Man or any of the Channel Islands disqualifies him for holding or obtaining a British external licence, or

(c) a court in Gibraltar disqualifies him for holding or obtaining a licence to drive a motor vehicle granted under the law of Gibraltar.

(3) A certificate signed by the Secretary of State which states, in respect of a person, any matter relating to the question whether he is subject to a relevant disqualification imposed outside Great Britain shall be evidence (in Scotland, sufficient evidence) of the matter so stated.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.*]*

[F370 Effects of disqualification]

Textual Amendments

F370 S. 103 and cross heading substituted (1.7.1992) for s. 103 by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.19**; S.I. 1992/1286, **art. 2**,Sch.

[F371 103 Obtaining licence, or driving, while disqualified. E+W

(1) A person is guilty of an offence if, while disqualified for holding or obtaining a licence, he—

(a) obtains a licence, or

(b) drives a motor vehicle on a road.

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(2) A licence obtained by a person who is disqualified is of no effect (or, where the disqualification relates only to vehicles of a particular class, is of no effect in relation to vehicles of that class).

(3 [F372] . . . . . .

(4) **[**[F373]Subsection (1) above does**]]** not apply in relation to disqualification by virtue of section 101 of this Act.

(5) **[**[F374]Subsection (1)(b) above does**]** not apply in relation to disqualification by virtue of section 102 of this Act.

(6) In the application of **[**[F375]subsection (1)**]** above to a person whose disqualification is limited to the driving of motor vehicles of a particular class by virtue of—

(a) section 102 **[**[F376]117 or 117A**]** of this Act, or

(b) subsection (9) of section 36 of the Road Traffic Offenders Act 1988 (disqualification until test is passed),

the references to disqualification for holding or obtaining a licence and driving motor vehicles are references to disqualification for holding or obtaining a licence to drive and driving motor vehicles of that class.

Extent Information

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

Textual Amendments

F371 s. 103 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 19**; S.I. 1992/1286, art. 2, **Sch.**

F372 S. 103(3) repealed (1.10.2002) by 2002 c. 30, s. 107, Sch. 7 para. 11(1)(2), **Sch. 8**; S.I. 2002/2306, **art. 2(g)(i)-(iii)**(a)

F373 Words in s. 103(4) substituted (1.10.2002) by 2002 c. 30, s. 107, **Sch. 7 para. 11(1)(3)**; S.I. 2002/2306, **art. 2(g)(i)(ii)**

F374 Words in s. 103(5) substituted (1.10.2002) by 2002 c. 30, s. 107, **Sch. 7 para. 11(1)(4)**, S.I. 2002/2306, art. 2(g)(i)(ii)

F375 Words in s. 103(6) substituted (1.10.2002) by 2002 c. 30, s. 107, **Sch. 7 para. 11(1)(5)**, S.I. 2002/2306, art. 2(g)(i)(ii)

F376 Words in s. 103(6)(a) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 16**

Modifications etc. (not altering text)

C81 S. 103 modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), {art. 27(2)-(4)(6)}

[F704103 Obtaining licence, or driving, while disqualified. S

(1) A person is guilty of an offence if, while disqualified for holding or obtaining a licence, he—

(a) obtains a licence, or

(b) drives a motor vehicle on a road.

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(2) A licence obtained by a person who is disqualified is of no effect (or, where the disqualification relates only to vehicles of a particular class, is of no effect in relation to vehicles of that class).

(3) A constable in uniform may arrest without warrant any person driving a motor vehicle on a road whom he has reasonable cause to suspect of being disqualified.

(4) Subsections (1) and (3) above do not apply in relation to disqualification by virtue of section 101 of this Act.

(5) Subsections (1)(b) and (3) above do not apply in relation to disqualification by virtue of section 102 of this Act.

(6) In the application of subsections (1) and (3) above to a person whose disqualification is limited to the driving of motor vehicles of a particular class by virtue of—

(a) section 102 **[**[F705]117 or 117A**]** of this Act, or

(b) subsection (9) of section 36 of the Road Traffic Offenders Act 1988 (disqualification until test is passed),

the references to disqualification for holding or obtaining a licence and driving motor vehicles are references to disqualification for holding or obtaining a licence to drive and driving motor vehicles of that class.

Extent Information

E5 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F704 S. 103 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 19**; S.I. 1992/1286, art. 2, **Sch.**

F705 Words in s. 103(6)(a) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 16**

Modifications etc. (not altering text)

C180 S. 103 modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

Miscellaneous

104 Conduct of proceedings in certain courts by or against the Secretary of State.

(1) Any proceedings by or against the Secretary of State in a magistrates' court or before the registrar of a county court under this Part of this Act or Part II of the Road Traffic Offenders Act 1988 may be conducted on behalf of the Secretary of State by a person authorised by him for the purposes of this subsection.

(2) Any proceedings in any court in Scotland, other than the High Court of Justiciary or the Court of Session, against the Secretary of State under this Part of this Act or Part II of the [M36]Road Traffic Offenders Act 1988 may be conducted on behalf of the Secretary of State by any person authorised by him for the purposes of this subsection.

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Marginal Citations
M36 1988 c. 53.

105 Regulations.

(1) The Secretary of State may make regulations for any purpose for which regulations may be made under the provisions of this Part of this Act and the relevant provisions of the Road Traffic Offenders Act 1988 and for prescribing anything which may be prescribed under any of those provisions, and otherwise for the purpose of carrying any of those provisions into effect.

(2) In particular, but without prejudice to the generality of subsection (1) above, the regulations may make provision with respect to—

[F377(a) licences under this Part of this Act, Community licences and counterparts of such licences,

(b) making any particulars with respect to any persons—

(i) who are disqualified,

(ii) whose licences are suspended, or

(iii) whose counterparts of licences under this Part of this Act or of Community licences (as the case may be) are endorsed,

available for use by the police,**]**

(c) preventing a person holding more than one licence,

(d) facilitating identification of holders of licences,

(e) providing for the issue of **[**F378F379. . . licences and counterparts of licences in the place of licences or counterparts of licences**]**lost or defaced on payment of such fee **[**F380, and compliance with such requirements,**]** as may be prescribed,

[F381(ea) providing for the issue of new counterparts of Community licences in the place of counterparts of Community licences that are lost or defaced,**]**

[F382(ee) the correspondence F383. . . of one class of motor vehicle with another class of motor vehicle or of one test of competence to drive with another (whatever the law under which the classification is made or the test conducted),**]**

(f) the effect of a change in the classification of motor vehicles F384. . . on licences then in force or issued or on the right to or the subsequent granting of licences **[**F385or on Community licences then in force**]**, and

(g) enabling a person—

(i) whose entitlement to the grant of a licence to drive a class of motor vehicle is preserved by regulations made by virtue of paragraph (f) above, and

(ii) who satisfies such conditions as may be prescribed,

to drive (and be employed in driving) that class of motor vehicle while he applies for the licence to be granted to him,

and different regulations may be made as respects different classes of vehicles or as respects the same class of vehicles in different circumstances.

(3) The regulations may—

(a) make different provision for different circumstances,

(b) provide for exemptions from any provision of the regulations, and

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(c) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations,

and nothing in the other provisions of this Part of this Act shall be construed as prejudicing the generality of the preceding provisions of this subsection.

(4) Any fee prescribed under this Part of this Act shall be of an amount approved by the Treasury, and different fees may be prescribed for different circumstances **[**F386and (in particular) in relation to licences in different forms**]**.

(5) In subsection (1) above "the relevant provisions of the M37Road Traffic Offenders Act 1988" means the following provisions of that Act: sections 2, 7, 8, 23 to 26, 27, 31 **[**F387, 34 to 48, 91A and 91B**]**.

Textual Amendments

F377 S. 105(2)(a)(b) substituted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 17(a)**
F378 Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 6(c)**
F379 Word in s. 105(2)(e) repealed (1.7.1998) by S.I. 1998/1420, regs. 10(2)(a), 17, **Sch.**
F380 Words in s. 105(2)(e) inserted (1.7.1998) by S.I. 1998/1420, **reg. 10(2)(b)**
F381 S. 105(2)(ea) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 17(b)**
F382 S. 105(2)(ee) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 14**
F383 Words in s. 105(2)(ee) 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.**
F384 Words in s. 105(2)(f) 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.**
F385 Words in s. 105(2)(f) inserted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 17(c)**
F386 Words in s. 105(4) inserted (1.7.1998) by S.I. 1998/1420, **reg. 10(3)**
F387 Words in s. 105(5) substituted (23.7.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 17(3)**

Marginal Citations

M37 1988 c. 53.

106 Destination of fees for licences, etc.

(1) All fees received by the Secretary of State for licences under this Part of this Act shall be paid into the Consolidated Fund.

(2) Fees in respect of tests of competence to drive payable by virtue of regulations made by virtue of section 89(4) of this Act shall be paid to such person as may be prescribed by the regulations, and any such fees received by a person so prescribed (other than any as to which the regulations provide that they are to be paid to the person conducting the test and retained by him as remuneration) shall be paid into the Consolidated Fund.

107 Service of notices.

[F388A notice authorised to be served on any person under this Part or Part IV of this Act or a Community licence required to be returned to its holder by section 99B or 99E of this Act may be served on, or returned to him**]** by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this section and section 7 of the M38Interpretation Act 1978 in its application to this

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section the proper address of any person shall be his latest address as known to the person serving the notice.

Textual Amendments

F388 Words in s. 107 substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 18**

Modifications etc. (not altering text)

C82 S. 107 applied (1.6.1997) by 1995 c. 13, **s. 9(4)** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

Marginal Citations

M38 1978 c. 30.

108 Interpretation.

(1) In this Part of this Act—

[F389“agricultural or forestry tractor” means a motor vehicle which—

(a) has two or more axles,

(b) is constructed for use as a tractor for work off the road in connection with agriculture or forestry, and

(c) is primarily used as such,**]**

“articulated goods vehicle” means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached to it in such manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle, and “articulated goods vehicle combination” means an articulated goods vehicle with a trailer so attached,

[F390“British external licence” and “British Forces licence” have the meanings given by section 88(8) of this Act,**]**

“Community licence” means a document issued in respect of **[**F391an EEA State**]** other than the United Kingdom by an authority of that or **[**F392another EEA State**]** (including the United Kingdom) authorising the holder to drive a motor vehicle, not being—

(a) a document containing a statement to the effect that that or a previous document was issued in exchange for a document issued in respect of a State other than **[**F391an EEA State**]**, or

(b) a document in any of the forms for an international driving permit annexed to the Paris Convention on Motor Traffic of 1926, the Geneva Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968 **[**F393or

(c) F393a document issued for a purpose corresponding to that mentioned in section 97(2) of this Act,**]**

[F394“counterpart”—

(a) in relation to a licence under this Part of this Act, means a document in such form as the Secretary of State may determine, issued with the licence, containing such information as he determines and designed for the endorsement of particulars relating to the licence, and

(b) in relation to a Community licence, has the meaning given by section 99B of this Act,**]**

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"disability" has the meaning given by section 92 of this Act,

"disqualified" means disqualified for holding or obtaining a licence **[**F395(or, in cases where the disqualification is limited, a licence to drive motor vehicles of the class to which the disqualification relates)**]**, and "disqualification" is to be interpreted accordingly,

[F396"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993,

F396"EEA State" means a State which is a Contracting Party to the EEA Agreement,**]**

[F397"exchangeable licence" means a document authorising a person to drive a motor vehicle (not being a document mentioned in paragraph (b) of the definition of "Community licence")—

(a) issued in respect of Gibraltar by an authority of Gibraltar,

(b) issued in respect of a country or territory which is designed without restriction by an order under subsection (2)(a) below by an authority of that country or territory, or

(c) issued in respect of a country or territory which is designated by a restricted order under subsection (2)(b) below by an authority of that country or territory, being a document which is a licence of a description specified in that order,

and a licence of a description so specified as to which provision is made as mentioned in subsection (2B) below is only an exchangeable licence to the extent that it authorises its holder to drive vehicles of a class specified in the order.**]**

[F398"full licence" means a licence other than a provisional licence,**]**

[F399"large goods vehicle" has the meaning given by section 121(1) of this Act,**]**

"licence" **[**F400(except where the context otherwise requires)**]**means a licence to drive a motor vehicle granted under this Part of this Act F401. . .

"maximum gross weight", in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry,

"maximum train weight", in relation to an articulated goods vehicle combination, means the weight of the combination laden with the heaviest load which it is constructed or adapted to carry,

[F402"medium-sized goods vehicle" means a motor vehicle—

(a) which is constructed or adapted to carry or to haul goods,

(b) which is not adapted to carry more than nine persons inclusive of the driver, and

(c) the permissible maximum weight of which exceeds 3.5 but not 7.5 tonnes,

and includes a combination of such a motor vehicle and a trailer where the relevant maximum weight of the trailer does not exceed 750 kilograms,

F402"moped" means a motor vehicle which has fewer than four wheels and—

(a) in the case of a vehicle the first use (as defined in regulations made for the purpose of section 97(3)(d) of this Act) of which occurred before 1st August 1977, has a cylinder capacity not exceeding 50 cubic centimetres and is equipped with pedals by means of which the vehicle is capable of being propelled, and

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(b) in any other case, has a maximum design speed not exceeding 50 kilometres per hour and, if propelled by an internal combustion engine, has a cylinder capacity not exceeding 50 cubic centimetres,

F402"motor bicycle" means a motor vehicle which—

(a) has two wheels, and

(b) has a maximum design speed exceeding **[**F403 45 kilometres per hour**]** and, if powered by an internal combustion engine, has a cylinder capacity exceeding 50 cubic centimetres,

and includes a combination of such a motor vehicle and a side-car,**]**

[F404"Northern Ireland driving licence" or "Northern Ireland licence" means a licence to drive a motor vehicle granted under the law of Northern Ireland,

"passenger-carrying vehicle" has the meaning given by section 121(1) of this Act,**]**

"permissible maximum weight", in relation to a goods vehicle (of whatever description), means—

(a) in the case of a motor vehicle which neither is an articulated goods vehicle nor is drawing a trailer, the relevant maximum weight of the vehicle,

(b) in the case of an articulated goods vehicle—

(i) when drawing only a semi-trailer, the relevant maximum train weight of the articulated goods vehicle combination,

(ii) when drawing a trailer as well as a semi-trailer, the aggregate of the relevant maximum train weight of the articulated goods vehicle combination and the relevant maximum weight of the trailer,

(iii) when drawing a trailer but not a semi-trailer, the aggregate of the relevant maximum weight of the articulated goods vehicle and the relevant maximum weight of the trailer,

(iv) when drawing neither a semi-trailer nor a trailer, the relevant maximum weight of the vehicle,

(c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the relevant maximum weight of the motor vehicle and the relevant maximum weight of the trailer,

"prescribed" means prescribed by regulations,

"prospective disability" has the meaning given by section 92 of this Act,

"provisional licence" means a licence granted by virtue of section 97(2) of this Act,

"regulations" means regulations made under section 105 of this Act,

"relevant disability" has the meaning given by section 92 of this Act,

[F405"relevant external law" has the meaning given by section 88(8) of this Act,**]**

"relevant maximum weight", in relation to a motor vehicle or trailer, means—

(a) in the case of a vehicle to which regulations under section 49 of this Act apply which is required by regulations under section 41 of this Act to have a maximum gross weight for the vehicle marked on a plate issued by the Secretary of State under regulations under section 41, the maximum gross weight so marked on the vehicle,

(b) in the case of a vehicle which is required by regulations under section 41 of this Act to have a maximum gross weight for the vehicle marked on

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the vehicle and does not also have a maximum gross weight marked on it as mentioned in paragraph (a) above, the maximum gross weight marked on the vehicle,

(c) in the case of a vehicle on which a maximum gross weight is marked by the same means as would be required by regulations under section 41 of this Act if those regulations applied to the vehicle, the maximum gross weight so marked on the vehicle,

(d) in the case of a vehicle on which a maximum gross weight is not marked as mentioned in paragraph (a), (b) or (c) above, the notional maximum gross weight of the vehicle, that is to say, such weight as is produced by multiplying the unladen weight of the vehicle by the number prescribed by the Secretary of State for the class of vehicle into which that vehicle falls,

"relevant maximum train weight", in relation to an articulated goods vehicle combination, means—

(a) in the case of an articulated goods vehicle to which regulations under section 49 of this Act apply which is required by regulations under section 41 of this Act to have a maximum train weight for the combination marked on a plate issued by the Secretary of State under regulations under section 41, the maximum train weight so marked on the motor vehicle,

(b) in the case of an articulated goods vehicle which is required by regulations under section 41 of this Act to have a maximum train weight for the combination marked on the vehicle and does not also have a maximum train weight marked on it as mentioned in paragraph (a) above, the maximum train weight marked on the motor vehicle,

(c) in the case of an articulated goods vehicle on which a maximum train weight is marked by the same means as would be required by regulations under section 41 of this Act if those regulations applied to the vehicle, the maximum train weight so marked on the motor vehicle,

(d) in the case of an articulated goods vehicle on which a maximum train weight is not marked as mentioned in paragraph (a), (b) or (c) above, the notional maximum gross weight of the combination, that is to say, such weight as is produced by multiplying the sum of the unladen weights of the motor vehicle and the semi-trailer by the number prescribed by the Secretary of State for the class of articulated goods vehicle combination into which that combination falls,

"semi-trailer", in relation to an articulated goods vehicle, means a trailer attached to it in the manner described in the definition of articulated goods vehicle,

[[F406]"small vehicle" means a motor vehicle (other than an invalid carriage, moped or motor bicycle) which—

(a) is not constructed or adapted to carry more than nine persons inclusive of the driver, and

(b) has a maximum gross weight not exceeding 3.5 tonnes,

and includes a combination of such a motor vehicle and a trailer,**]**

F407 . . . . . .

F407 . . . . . .

"test of competence to drive" means such a test conducted under section 89 of this Act.

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[F408"approved training course for motor cyclists" and, in relation to such a course, "prescribed certificate of completion" mean respectively any course of training approved under, and the certificate of completion prescribed in, regulations under section 97(3A) of this Act.**]**

[F409(2) The Secretary of State may by order made by statutory instrument designate a country or territory which neither is nor forms part of an EEA State for the purposes of the definition of "exchangeable licence" in subsection (1) above)—

(a) as respects all licences authorising the driving of motor vehicles granted under the law of that country or territory, where the Secretary of State is satisfied that satisfactory provision is made by that law for the granting of licences to drive motor vehicles;

(b) as respects only licences authorising the driving of motor vehicles granted under the law of that country or territory of a description specified in the order, where the Secretary of State is satisfied that satisfactory provision is made by that law for the granting of licences of that description.

F409(2A) An order under subsection (2)(b) above may specify a description of licence by reference to any feature of the licences concerned (including in particular the circumstances in which they are granted, any conditions to which they are subject or the classes of vehicle which they authorise the holders to drive).

F409(2B) An order under subsection (2)(b) above may provide that a licence of a specified description shall only be an exchangeable licence in so far as it authorises its holder to drive vehicles of a class specified in the order.**]**

(3) Before making any order under subsection (2) above, the Secretary of State shall consult with such representative organisations as he thinks fit.

Textual Amendments

F389 Definition of "agricultural or forestry tractor" in s. 108(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) for definition of "agricultural tractor" by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(a)**

F390 Definition inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(a)**

F391 Words in the definition of "Community licence" in s. 108(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(b)(i)**

F392 Words in the definition of "Community licence" in s. 108(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(b)(ii)**

F393 S. 108(1): para. (c) in definition of "Community licence" and the word "or" immediately preceding it inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(b)(iii)**

F394 Definition of "counterpart" in s. 108(1) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(c)**

F395 Words inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(b)**

F396 Definitions of "EEA Agreement" and "EEA State" in s. 108(1) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(d)**

F397 Definition of "exchangeable licence" in s. 108(1) substituted (31.8.1998) by S.I. 1998/1917, **art. 2(2)**

F398 Definition inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(c)**

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F399 Definition of "large goods vehicle" in s. 108(1) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(f)**

F400 Words inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(d)**

F401 Words in the definition of "licence" in s. 108(1) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(g)**

F402 Definitions of "medium-sized goods vehicle", "moped" and "motor bicycle" in s. 108(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) for the definition of "medium-sized goods vehicle" by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(h)**

F403 S. 108(1): words in para. (b) in definition of "motor bicycle" substituted (1.7.1998) by S.I. 1998/1420, **reg. 11**

F404 Definitions inserted (1.6.1990 as regards definition of "Northern Ireland driving licence" and "Northern Ireland licence" and 1.4.1991 otherwise) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(e)**

F405 Definition inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(f)**

F406 Definition of "small vehicle" in s. 108(1) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(i)**

F407 Definitions of "small goods vehicle" and "small passenger vehicle" in s. 108(1) omitted (23.7.1996 for specified purposes and otherwise 1.1.1997) by virtue of S.I. 1996/1974, reg. 2, **Sch. 1 para. 19(2)(j)**

F408 Definition inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 15(g)**

F409 S. 108(2)-(2B) substituted (31.8.1998) for s. 108(2) by S.I. 1998/1917, **art. 2(3)**

109 Provisions as to Northern Ireland drivers' licences.

(1) The holder of a **[**[F410]Northern Ireland driving licence**]**may drive, and a person may cause or permit the holder of such a licence to drive, in Great Britain, a motor vehicle of any class which he is authorised by that licence to drive, and which he is not disqualified from driving under this Part **[**[F411]or Part IV**]**of this Act, notwithstanding that he is not the holder of a licence under this Part of this Act.

(2) Any driver holding a **[**[F412]Northern Ireland driving licence**]**shall be under the like obligation to produce such a licence **[**[F413]and its counterpart as if they had respectively been a licence granted under this Part of this Act and the counterpart to such a licence**]**, and the provisions—

(a) of this Act, and

(b) of the [M39]Road Traffic Offenders Act 1988, being the provisions connected with the licensing of drivers within the meaning of that Act,

as to the production of licences **[**[F414]and counterparts of licences**]**granted under this Part of this Act shall apply accordingly.

(3) The holder of any such licence who by an order of the court is disqualified for holding or obtaining a licence under this Part of this Act must produce the licence so held by him **[**[F415]and its counterpart**]**to the court within such time as the court may determine, and the court must, on production of the licence **[**[F415]and its counterpart**]**, forward **[**[F416]them**]**to the Secretary of State.

(4) If the holder fails to produce the licence **[**[F417]and its counterpart**]**within that time, he is guilty of an offence.

(5) If the holder of any such licence is convicted of an offence and the court orders particulars of the conviction to be endorsed in accordance with section 44 of the Road

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Traffic Offenders Act 1988, the court shall send those particulars to the Secretary of State.

Textual Amendments

F410 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 16(a)(i)**

F411 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 16(a)(ii)**

F412 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 16(b)**

F413 Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 8(a)(i)**

F414 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 8(a)(ii)**

F415 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 8(b)(i)(ii)(iii)**

F416 Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 8(b)(i)(ii)(iii)**

F417 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 8(c)**

Modifications etc. (not altering text)

C83 S. 109(3) excluded by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **s. 26(5)**

Marginal Citations

M39 1988 c. 53.

VALID FROM 11/10/2004

[F418 109A Counterparts issued to Northern Ireland licence holders

(1) The Secretary of State may issue to any Northern Ireland licence holder who—

(a) has delivered his Northern Ireland licence to the Secretary of State, and

(b) has provided him with the information specified in, or required under, subsection (3) below (whether or not in pursuance of this section),

a document (referred to in this Part of this Act in relation to a Northern Ireland licence as a "counterpart").

(2) The counterpart must—

(a) be in such form, and

(b) contain such information,

designed for the endorsement of particulars relating to the Northern Ireland licence as the Secretary of State may determine.

(3) The information referred to in subsection (1) above is—

(a) the name and address (whether in Great Britain or Northern Ireland) of the Northern Ireland licence holder;

(b) his date of birth;

(c) the classes of vehicle which he is authorised by his Northern Ireland licence to drive;

(d) the period of validity of the licence;

(e) whether it was granted in exchange for a licence issued by a state other than an EEA State; and

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(f) such other information as the Secretary of State may require for the purposes of the proper exercise of any of his functions under this Part or Part 4 of this Act.

(4) The Secretary of State—

(a) may endorse a Northern Ireland licence delivered to him (whether or not in pursuance of this section) in such manner as he may determine—

(i) with any part of the information specified in, or required under, subsection (3) above; or

(ii) with information providing a means of ascertaining that information or any part of it; and

(b) must return the Northern Ireland licence to the holder.

(5) Subsections (6) to (9), (11) (with the omission of paragraph (a)) and (12) of section 99B of this Act apply for the purposes of this section as if the references to a Community licence were references to a Northern Ireland licence.**]**

Textual Amendments

F418 S. 109A inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), **ss. 77(1)**, 94; S.I. 2004/2624, **art. 2(2)(a)**

VALID FROM 11/10/2004

[F419 109B Revocation of authorisation conferred by Northern Ireland licence because of disability or prospective disability

(1) If the Secretary of State is at any time satisfied on inquiry—

(a) that a Northern Ireland licence holder is suffering from a relevant disability, and

(b) that he would be required by virtue of section 92(3) of this Act to refuse an application made by the holder at that time for a licence authorising him to drive a vehicle of the class in respect of which his Northern Ireland licence was issued or a class corresponding to that class,

he may serve notice in writing requiring the licence holder to deliver immediately to the Secretary of State his Northern Ireland licence together with its Northern Ireland counterpart and its counterpart (if any) issued to him under this Part of this Act ("the relevant counterparts").

(2) If the Secretary of State is satisfied on inquiry that a Northern Ireland licence holder is suffering from a prospective disability, he may—

(a) serve notice in writing on the Northern Ireland licence holder requiring him to deliver immediately to the Secretary of State his Northern Ireland licence together with the relevant counterparts, and

(b) on receipt of the Northern Ireland licence and those counterparts and of an application made for the purposes of this subsection, grant to the Northern Ireland licence holder, free of charge, a licence for a period determined by the Secretary of State under section 99(1)(b) of this Act.

(3) The Secretary of State may require a person to provide—

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(a) evidence of his name, address, sex and date and place of birth, and

(b) a photograph which is a current likeness of him,

before granting a licence to him on an application for the purposes of subsection (2) above.

(4) A person who—

(a) is required under, or by virtue of, this section to deliver to the Secretary of State his Northern Ireland licence and the relevant counterparts, but

(b) without reasonable excuse, fails to do so,

is guilty of an offence.

(5) Where a Northern Ireland licence holder to whom a counterpart is issued under section 109A of this Act—

(a) is required under, or by virtue of, this section to deliver his Northern Ireland licence and that counterpart to the Secretary of State, and

(b) is not in possession of them in consequence of the fact that he has surrendered them to a constable or authorised person (within the meaning of Part 3 of the Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act,

he does not fail to comply with any such requirement if he delivers them to the Secretary of State immediately on their return.

(6) Where a Northern Ireland licence holder is served with a notice in pursuance of this section, he shall cease to be authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(7) Where a Northern Ireland licence is delivered to the Secretary of State in pursuance of this section, he must—

(a) send the licence and its Northern Ireland counterpart to the licensing authority in Northern Ireland, and

(b) explain to them his reasons for so doing.**]**

Textual Amendments

F419 Ss. 109B, 109C inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), **ss. 79(2)**, 94; S.I. 2004/2624, **art. 2(2)(a)**

VALID FROM 11/10/2004

[F420109CInformation relating to disabilities etc

Section 94 of this Act shall apply to a Northern Ireland licence holder who is normally resident in Great Britain as if—

(a) in subsection (1), for the words from the beginning to "aware" there were substituted " If a Northern Ireland licence holder who is authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class, is aware immediately before the relevant date, or becomes aware on or after that date ",

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(b) after that subsection there were inserted—

"(1A) For the purposes of subsection (1) "relevant date" means—

(a) in the case where the licence holder first became normally resident in Great Britain on or before the date on which section 79 of the Crime (International Co-operation) Act 2003 comes into force, that date; and

(b) in any other case, the date on which he first became so resident.",

(c) for subsection (3A) there were substituted—

"(3A) A person who—

(a) is authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class, and

(b) drives on a road a motor vehicle of that class,

is guilty of an offence if at any earlier time while he was so authorised he was required by subsection (1) above to notify the Secretary of State but has failed without reasonable excuse to do so.",

(d) in subsection (4), the words "an applicant for, or" (in both places) were omitted,

(e) in subsection (5), the words "applicant or" and the words from the beginning of paragraph (c) to "provisional licence" were omitted,

(f) in subsection (6)(b), the words "applicant or" (in both places) were omitted,

(g) in subsection (7), the words "applicant or" were omitted, and

(h) in subsection (8)—

(i) for "93" there were substituted " 109B ", and

(ii) the words "applicant or" (in both places) were omitted.**]**

Textual Amendments

F420 Ss. 109B, 109C inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), **ss. 79(2)**, 94; S.I. 2004/2624, **art. 2(2)(a)**

[F421PART IV

LICENSING OF DRIVERS OF LARGE GOODS VEHICLES AND PASSENGER-CARRYING VEHICLES.**]**

Textual Amendments

F421 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and

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of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

Modifications etc. (not altering text)

C84 Pt. IV (ss. 110–122) amended by S.I. 1990/144, regs. 2(1), 3, **Sch. 3 para. 2**
Pt. IV (ss. 110-112) excluded (1.1.1997) by S.I. 1996/2824, **reg. 47(1)(2)**
Pt. IV (ss. 110-112) applied (1.1.1997) by S.I. 1996/2824, **reg. 50(1)(2)**
Pt. IV (ss. 110-112) excluded (12.11.1999) by S.I. 1999/2864, **reg. 50(1)-(3)**

Licensing of drivers of large goods vehicles and passenger-carrying vehicles.

[F422**110**

(1) Licences under Part III of this Act to drive motor vehicles of classes which include large goods vehicles or passenger-carrying vehicles or large goods vehicles or passenger-carrying vehicles of any class shall be granted by the Secretary of State in accordance with this Part of this Act and shall, in so far as they authorise the driving of large goods vehicles or passenger-carrying vehicles, be otherwise subject to this Part of this Act in addition to Part III of this Act.

(2) In this Part of this Act—

[F423“Community licence” has the same meaning as in Part III of this Act;

F423“LGV Community licence” means a Community licence in so far as it authorises a person to drive large goods vehicles of any class;**]**

[F424“PCV Community licence” means a Community licence in so far as it authorises a person to drive passenger-carrying vehicles of any class;**]**

“large goods vehicle driver’s licence” means a licence under Part III of this Act in so far as it authorises a person to drive large goods vehicles of any class; and

“passenger-carrying vehicle driver’s licence” means a licence under Part III of this Act in so far as it authorises a person to drive passenger-carrying vehicles of any class.**]**

Textual Amendments

F422 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

F423 Definition of “Community licence” and “LGV Community licence” inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I 1996/1974, reg. 2, Sch. 1 para. 20(a)

F424 Definition of “PVC Community licence” inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, **reg. 2 Sch. 1 para. 20(b)**

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[F425 111 Functions of traffic commissioners.

(1) The traffic commissioner for any area constituted for the purposes of the Public Passenger Vehicles Act M40 1981 shall exercise the functions conferred by the following provisions of this Part of this Act relating to the conduct of

[
F426 (a) applicants for and holders of large goods vehicle and passenger-carrying vehicle drivers' licences, and

F426 (b) holders of LGV Community licences and PCV Community licences.**]**

(2) Traffic commissioners shall, in the exercise of those functions, act in accordance with directions given by the Secretary of State; but such directions shall be general directions not relating to the exercise of functions in a particular case.**]**

Textual Amendments

F425 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

F426 S. 111(1)(a)(b) substituted for words in s. 111(1) (23.7 1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 21**

Marginal Citations

M40 1981 c.14 (**107:1**)

[F427 112 Grants of licences: fitness as regards conduct.

The Secretary of State shall not grant to an applicant a large goods vehicle driver's licence or a passenger-carrying vehicle driver's licence unless he is satisfied, having regard to his conduct, that he is a fit person to hold the licence applied for.**]**

Textual Amendments

F427 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

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[F428 113 Grant of licences: referral of matters of conduct to traffic commissioners.

(1) Any question arising under section 112 of this Act relating to the conduct of an applicant for a licence may be referred by the Secretary of State to the traffic commissioner for the area in which the applicant resides.

(2) On any reference under subsection (1) above, the traffic commissioner shall determine whether the applicant for the licence is or is not, having regard to his conduct, a fit person to hold a licence to drive large goods vehicles or passenger-carrying vehicles, as the case may be.

(3) A traffic commissioner to whom a reference has been made under this section may require the applicant for the licence to furnish the commissioner with such information as he may require and may, by notice to the applicant, require him to attend before the commissioner at the time and place specified by the commissioner to furnish the information and to answer such questions (if any) relating to his application as the commissioner may put to him.

(4) If the applicant fails without reasonable excuse to furnish information to or attend before or answer questions properly put by a commissioner when required to do so under subsection (3) above, the commissioner may decline to proceed further with the application and, if he does so, the commissioner shall notify the Secretary of State of that fact and the Secretary of State shall refuse to grant the licence.

(5) The traffic commissioner to whom a reference has been made under this section shall, unless he has declined to proceed further with the application, notify the Secretary of State and the applicant of his determination in the matter and the decision of the commissioner shall be binding on the Secretary of State.**]**

Textual Amendments

F428 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

[F429 114 Conditions of certain licences.

(1) **[**F430The following licences, that say -

(a) a large goods vehicle or passenger-carrying vehicle driver's licence issued as a provisional licence,

(b) a full large goods vehicle or passenger-carrying vehicle driver's licence granted to a person under the age of 21, and

(c) a LGV Community licence held by a person under the age of 21 who is normally resident in Great Britain,**]**

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shall be subject to the prescribed conditions, and if the holder of the licence fails, without reasonable excuse, to comply with any of the conditions he is guilty of an offence.

(2) It is an offence for a person knowingly to cause or permit another person who is under the age of 21 to drive a large goods vehicle of any class or a passenger-carrying vehicle of any class in contravention of the prescribed conditions to which that other person's licence is subject.**]**

Textual Amendments

F429 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

F430 S. 114(1)(a)(b) and words substituted for words in s. 114(1) (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, **reg. 2 Sch. 1 para. 22**

[F431 115 Revocation or suspension of licences.

(1) A large goods vehicle or passenger-carrying vehicle driver's licence—

(a) must be revoked if there come into existence, in relation to its holder, such circumstances relating to his conduct as may be prescribed;

(b) must be revoked or suspended if his conduct is such as to make him unfit to hold such a licence;

and where the licence is suspended under paragraph (b) above it shall during the time of suspension be of no effect.

(2) Where it appears that the conduct of the holder of a licence falls within both paragraph (a) and paragraph (b) of subsection (1) above, proceedings shall be taken or continued under paragraph (a) and not under paragraph (b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.

(3) Regulations made for the purposes of **[**F432this section **[**F433or any of sections 115A, 117 or 117A**]** of this Act**]**—

(a) may make different provision for large goods vehicles and for passenger-carrying vehicles and for different descriptions of persons; and

(b) shall provide for the determination of the cases in which,

[under section 117 of this Act, a person whose licence has been F434(i) revoked, or

F434(ii) under section 117A of this Act, a person on whom a notice is served in pursuance of section 115A(1)(a) of this Act,**]**

is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.**]**

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Textual Amendments

F431 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

F432 Words in s. 115(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 64**; S.I. 1992/1286, art. 2, **Sch.**

F433 Words in s. 115(3) substituted (23.7.1996 for specified purposes and otherwise 1.1.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 23(a)**

F434 S. 115(3)(b)(i)(ii) substituted for words in s. 115(3)(b) (23.7.1996 for specified purposes and otherwise (1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 23(b)**

[F435 115A Community licence holders: cessation of authorisation, etc.

(1) Where, in relation to a holder of a LGV Community licence or PCV Community licence who is normally resident in Great Britain—

(a) there exist immediately before the relevant date, or there come into existence on or after that date, such circumstances relating to his conduct as may be prescribed; or

(b) his conduct is such as to make him unfit to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a large goods vehicle or passenger-carrying vehicle (as the case may be),

the Secretary of State must serve notice on the holder requiring him to deliver the Community licence and its counterpart (if any) immediately to the Secretary of State and it shall be the duty of the holder to comply with that requirement.

(2) Where a notice is served in pursuance of subsection (1)(a) or (b) above on the holder of a LGV Community licence or a PCV Community licence, he shall cease to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a large goods vehicle or passenger-carrying vehicle (as the case may be) from such date as is specified in the notice, not being earlier than the date of service of the notice.

(3) Where it appears to the Secretary of State that the conduct of a Community licence holder falls within both paragraph (a) and paragraph (b) of subsection (1) above, the Secretary of State must serve notice on the holder in pursuance of the former paragraph only.

(4) Any Community licence holder who fails without reasonable excuse to comply with his duty under subsection (1) above is guilty of an offence.

(5) In this section “relevant date", in relation to a Community licence holder who is normally resident in Great Britain, has the same meaning as in section 99A(8) of this Act.]

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Textual Amendments

F435 S. 115A inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 24**

[F436 116 Revocation or suspension of licences: referral of matters of conduct to traffic commissioners.

[Any question arising—

F437(1) (a) under section 115(1)(b) of this Act as to whether a person is or is not, by reason of his conduct, fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, or

(b) under section 115A(1)(b) of this Act as to whether the holder of a LGV Community licence or PCV Community licence is or is not, by reason of his conduct, fit to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a large goods vehicle or passenger-carrying vehicle (as the case may be),

may be referred by the Secretary of State to the traffic commissioner for the area in which the holder of the licence resides.**]**

(2) Where, on any reference under **[**F438subsection (1)(a)**]**above, the traffic commissioner determines that the holder of the licence is not fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, he shall also determine whether the conduct of the holder of the licence is such as to require the revocation of his licence or only its suspension; and, if the former, whether the holder of the licence should be disqualified under section 117(2)(a) of this Act (and, if so, for what period) or under section 117(2)(b) of this Act.

[Where, on any reference under subsection (1)(b) above, the traffic commissioner F439(2A) determines that a Community licence holder is not fit to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a large goods vehicle or passenger-carrying vehicle (as the case may be), he shall also determine whether the Community licence holder—

(a) should be disqualified under section 117A(2)(a) of this Act (and, if so, for what period) or under section 117A(2)(b) of this Act, or

(b) should be granted, free of charge, a large goods vehicle or passenger-carrying vehicle driver's licence (and, if so, from what date it shall take effect).**]**

(3) A traffic commissioner to whom a reference has been made under subsection (1) above may require the holder of the licence to furnish the commissioner with such information as he may require and may, by notice to the holder, require him to attend before the commissioner at the time and place specified by the commissioner to furnish the information and to answer such questions (if any) relating to the subject matter of the reference as the commissioner may put to him.

(4) If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put by a commissioner when required to do so under subsection (3) above, the commissioner may notify the failure to the

[in a case where the licence in question is a LGV Community licence or a F440(a) PCV Community licence, the holder shall cease to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a large goods or passenger-

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carrying vehicle (as the case may be) from such date as is specified in a notice served on the holder by the Secretary of State; and

F440(b) in any other case, revoke the licence or suspend it for such period as he thinks fit.**]**

(5) Except where he has given such a notification as is mentioned in subsection (4) above, the traffic commissioner to whom a reference has been made under subsection (1) above shall notify his determination in the matter to the Secretary of State and the holder of the licence and the decision of the commissioner shall be binding on the Secretary of State.

(6) Where the Secretary of State, without making such a reference, determines to revoke or suspend a person's licence under section 115(1) of this Act he shall notify his determination in the matter to the holder of the licence and, where he suspends it, to the traffic commissioner for the area in which the holder of the licence resides.**]**

Textual Amendments

F436 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

F437 S. 116(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 25(2)**

F438 Words in s. 116(2) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 25(3)**

F439 S. 116(2A) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 25(4)**

F440 S. 116(4)(a)(b) substituted for words in s. 116(4) (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1924, reg. 2, **Sch. 1 para. 25(5)**

Modifications etc. (not altering text)

C85 S. 116 applied (with modifications) by S.I. 1999/2864, **reg. 56(7)**

[F441117 Disqualification on revocation of licence.

(1) Where in pursuance of section 115(1)(a) of this Act the Secretary of State revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, the Secretary of State must, in accordance with the regulations made **[**F442in pursuance of section 115(3)**]**, order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.

(2) Where in pursuance of section 115(1)(b) of this Act the Secretary of State revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, the Secretary of State may—

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(a) order the holder to be disqualified indefinitely or for such period as the Secretary of State thinks fit, or

(b) except where the licence is a provisional licence, if it appears to the Secretary of State that, owing to the conduct of the holder of the licence, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part III of this Act until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test.

[F443(2A) Regulations may make provision for the application of subsections (1) and (2) above, in such circumstances and with such modifications as may be prescribed, where a person's large goods vehicle or passenger-carrying vehicle driver's licence is treated as revoked by virtue of section 37(1) of the Road Traffic Offenders Act 1988 (effect of disqualification by order of a court).**]**

(3) If, while the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under subsection (1) above, the circumstances prescribed for the purposes of section 115(1)(a) of this Act cease to exist in his case, the Secretary of State must, on an application made to him for the purpose, remove the disqualification.

(4) Where the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under subsection (2)(a) above, the Secretary of State may, in such circumstances as may be prescribed, remove the disqualification.

(5) Where the holder of a full licence is disqualified under subsection (2)(b) above, the Secretary of State must not afterwards grant him a full licence to drive a large goods vehicle or passenger-carrying vehicle of any class unless satisfied that he has since the disqualification passed the prescribed test of competence to drive vehicles of that class, and until he passes that test any full licence obtained by him shall be of no effect.

(6) So long as the disqualification under subsection (1) or (2)(a) above of the holder of a large goods vehicle or passenger-carrying vehicle driver's licence continues in force, a large goods vehicle or passenger-carrying vehicle driver's licence must not be granted to him and any such licence obtained by him shall be of no effect.

(7) In this section "disqualified"—

(a) in a case of revocation on the ground of the conduct of the holder of the licence as a driver, means disqualified for holding or obtaining a licence under Part III of this Act to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and

(b) in a case of revocation of a passenger-carrying vehicle driver's licence on the ground of the conduct of the holder otherwise than as a driver, means disqualified for holding or obtaining a licence under Part III of this Act to drive passenger-carrying vehicles of the prescribed classes.**]**

Textual Amendments

F441 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods

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vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

F442 Words in s. 117(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 65(2)**; S.I. 1992/1286, **art. 2**,Sch.

F443 S. 117(2A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 65(3)**; S.I. 1992/1286, **art. 2**,Sch.

[F444 117A Community licences: disqualification etc.

(1) Where a notice is served on a Community licence holder in pursuance of section 115A(1)(a) of this Act, the Secretary of State must, in accordance with the regulations made in pursuance of section 115(3), order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.

(2) Where a notice is served on a Community licence holder in pursuance of section 115A(1)(b) of this Act, the Secretary of State may—

(a) order that person to be disqualified indefinitely or for such period as the Secretary of State thinks fit,

(b) if it appears to the Secretary of State that, owing to the conduct of the Community licence holder, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part III of this Act until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test, or

(c) on receipt of the Community licence and its counterpart (if any), grant to the Community licence holder, free of charge, a large goods vehicle or passenger-carrying vehicle driver's licence which shall take effect from such date as the Secretary of State may determine.

[F445 (3) Where, in pursuance of subsection (1) or (2) above, the Secretary of State orders a Community licence holder to be disqualified the Secretary of State must, on receipt of the Community licence and its counterpart (if any), grant to the Community licence holder, free of charge, a licence authorising the driving of the classes of vehicle which are unaffected by the disqualification.

F445 (3A) The Secretary of State may require a person to provide—

(a) evidence of his name, address, sex and date and place of birth, and

(b) a photograph which is a current likeness of him,

before issuing a licence to him under subsection (3) above.**]**

(4) If, while the holder of a LGV Community licence or a PCV Community licence is disqualified under subsection (1) above, the circumstances prescribed for the purposes of section 115A(1)(a) of this Act cease to exist in his case, the Secretary of State must, on an application made to him for the purpose, remove the disqualification.

(5) Where the holder of a LGV Community licence or a PCV Community licence is disqualified under subsection (2)(a) above, the Secretary of State may, in such circumstances as may be prescribed, remove the disqualification.

(6) In this section "disqualified"—

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(a) in a case where notice is served in pursuance of section 115A(1) of this Act on a Community licence holder on the ground of his conduct as a driver, means disqualified for holding or obtaining a licence under Part III of this Act to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and

(b) in a case where notice is served in pursuance of section 115A(1) of this Act on a holder of a PCV Community licence on the ground of his conduct otherwise than as a driver, means disqualified for holding or obtaining a licence under Part III of this Act to drive passenger-carrying vehicles of the prescribed classes.**]**

Textual Amendments

F444 S. 117A inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1997/1974, reg. 2, **Sch. 1 para. 26**

F445 S. 117A(3)(3A) substituted (1.7.1998) for s. 117A(3) by S.I. 1998/1420, **reg. 12**

[F446**118 Revoked or suspended licences: surrender, return and endorsement.**

(1) Where, in pursuance of section 115 of this Act, the Secretary of State revokes a licence, he must serve notice on the holder of the licence requiring him to deliver the licence and its counterpart forthwith to the Secretary of State, and it shall be the duty of the holder of the licence to comply with the requirement.

(2) Where, in pursuance of section 115 of this Act, the Secretary of State suspends a licence, then—

(a) where he does so without making any reference under section 116 of this Act to a traffic commissioner, the Secretary of State must serve notice on the holder of the licence requiring him to deliver the licence and its counterpart forthwith to the traffic commissioner for the area in which the holder of the licence resides;

(b) where he does so in pursuance of a determination of a traffic commissioner on such a reference, the traffic commissioner must, if the licence and its counterpart have not previously been delivered to him, serve notice on the holder of the licence requiring him to deliver them forthwith to the commissioner;

and it shall be the duty of the holder of the licence to comply with the requirement.

(3) Any holder of a licence who fails without reasonable excuse to comply with his duty under subsection (1) or (2) above is guilty of an offence.

(4) On the delivery of a licence and its counterpart by a person to the Secretary of State in pursuance of subsection (1) above, the Secretary of State must issue to him, on payment of such fee (if any) as may be prescribed, a licence authorising the driving of the classes of vehicles which are unaffected by the revocation.

[F447(4A) The Secretary of State may require a person to provide—

(a) evidence of his name, address, sex and date and place of birth, and

(b) a photograph which is a current likeness of him,

before issuing a licence to him under subsection (4) above.**]**

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(5) On the delivery of a suspended licence and its counterpart to a traffic commissioner, the traffic commissioner must endorse the counterpart of the licence with particulars of the suspension and return the licence and its counterpart to the holder.**]**

Textual Amendments

F446 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

F447 S. 118(4A) inserted (1.1.1998) by S.I. 1998/1420, **reg. 13**

[F448119 Appeals to magistrates' court or sheriff

(1) A person who, being the holder of, or an applicant for, a large goods vehicle or passenger-carrying vehicle driver's licence **[**F449or the holder of a LGV Community licence or a PCV Community licence**]**, is aggrieved by the Secretary of State's—

(a) refusal or failure to grant such a licence in pursuance of section 112 or 113(4) of this Act,

(b) suspension or revocation of such a licence in pursuance of section 115 or 116(4) of this Act, or

(c) ordering of disqualification under section 117(2) **[**F450or 117A(2)**]** of this Act,

[F451or by a notice served on him in pursuance of section 115A(1) or 116(4) of this Act**]** may, after giving to the Secretary of State and any traffic commissioner to whom the matter was referred notice of his intention to do so, appeal to a magistrates' court acting for the petty sessions area in which the holder of or applicant for the licence resides or, in Scotland, to the sheriff within whose jurisdiction he resides.

(2) On any appeal under **[**F452subsection (1) above (except under paragraph (c) of that subsection)**]** the Secretary of State and, if the matter was referred to a traffic commissioner, the commissioner shall be respondent.

(3) On any appeal under subsection (1) above the court or sheriff may make such order as it or he thinks fit and the order shall be binding on the Secretary of State.**]**

Textual Amendments

F448 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b)

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re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

F449 Words in s. 119(1) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. I para. 27(2)(a)**

F450 Words in s. 119(1)(c) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. I para. 27(2)(b)**

F451 Words in s. 119(1) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. I para. 27(2)(c)**

F452 Words in s. 119(2) substituted (23.7.1996 for specified purposes amnd otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. I para. 27(3)**

[F453 120 Regulations.

(1) The Secretary of State may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act and generally for the purpose of carrying the provisions of this Part of this Act into effect.

(2) Regulations under this section may in particular require applicants for tests of competence under Part III of this Act to drive large goods vehicles or passenger-carrying vehicles or for large goods vehicle or passenger-carrying vehicle driver's licences (whether full or provisional) to have such qualifications, experience and knowledge as may be prescribed and, in particular, where they are to be authorised to drive large goods vehicles or passenger-carrying vehicles of any class at an age below the normal minimum age for driving vehicles of that class, to fulfil such requirements with respect to participation in an approved training scheme for drivers as may be prescribed.

(3) In subsection (2) above—

"approved training scheme for drivers" means a training scheme for drivers (as defined in section 101(5) of this Act) approved for the time being by the Secretary of State for the purposes of regulations under that section; and

"normal minimum age for driving", in relation to the driving of vehicles of any class, means the age which is in force under section 101 of this Act (but apart from any approved training scheme for drivers) in relation to that class of vehicle.

(4) Regulations under this section may make different provision as respects different classes of vehicles or as respects the same class of vehicles in different circumstances.

(5) Regulations under this section may provide that a person who contravenes or fails to comply with any specified provision of the regulations is guilty of an offence.

(6) The Secretary of State may by regulations provide that this Part of this Act shall not apply to large goods vehicles or passenger-carrying vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.**]**

Textual Amendments

F453 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy

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goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

[F454 121 Interpretation.

(1) In this Part of this Act—

[F455 "conduct" means—

(a) in relation to an applicant for or the holder of a large goods vehicle driver's licence or the holder of a LGV Community licence, his conduct as a driver of a motor vehicle, and

(b) in relation to an applicant for or the holder of a passenger-carrying vehicle driver's licence or the holder of a PCV Community licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a passenger-carrying vehicle driver's licence or (as the case may be) his authorisation by virtue of section 99A(1) of this Act to drive in Great Britain a passenger-carrying vehicle of any class,

including, in either case, such conduct in Northern Ireland;]

"counterpart", in relation to a licence to drive under Part III of this Act [F456 or a Community licence], has the same meaning as in that Part;

"full licence" means a large goods vehicle or passenger-carrying vehicle driver's licence other than a provisional licence;

[F457 "large goods vehicle" means a motor vehicle (not being a medium-sized goods vehicle within the meaning of Part III of this Act) which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7.5 tonnes;]

"passenger-carrying vehicle" means—

(a) a large passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers which is constructed or adapted to carry more than 16 passengers, or

(b) a small passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers for hire or reward which is constructed or adapted to carry more than 8 but not more than 16 passengers [F458 and includes a combination of such a motor vehicle and trailer];

"notice" means notice in writing and "notify" shall be construed accordingly;

"prescribed" means, unless the context requires otherwise, prescribed by regulations under section 120 of this Act;

"provisional licence" means a licence granted by virtue of section 97(2) of this Act;

[F459 and "permissible maximum weight" has the same meaning as in Part III of this Act.]]

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Textual Amendments

F454 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

F455 Definition of "conduct" in s. 121(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 28(2)(a)**

F456 Words in s. 121(1) definition of "counterpart" inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 28(2)(b)**

F457 Definition of "large goods Vehicle" in s. 121(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 28(2)(c)**

F458 Words in s. 121(1) definition of "passenger carrying vehicle" inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 28(2)(d)**

F459 Words in s. 121(1) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 28(2)(e)**

[F460 122 Provisions as to Northern Ireland licences.

(1) In this section "Northern Ireland driving licence" has the same meaning as in Part III of this Act.

(2) The Secretary of State may exercise as respects Great Britain the like power of revoking or suspending any Northern Ireland driving licence and of making an order under section 117(2) of this Act as is conferred on him in relation to a large goods vehicle or passenger-carrying vehicle driver's licence by sections 115(1)(b) and 117(2) of this Act, and the provisions of sections 115(1), 116, 117 and (with the exception of subsection (3)) 118 shall have effect accordingly subject to the modification that references to the traffic commissioner for the area in which the holder of the licence resides shall be construed as references to the prescribed traffic commissioner.

(3) Where a revoked Northern Ireland driving licence and its counterpart are surrendered to the Secretary of State in pursuance of section 118 of this Act, the Secretary of State shall send them to the licensing authority in Northern Ireland together with particulars of the revocation.

(4) A holder of a Northern Ireland driving licence who is aggrieved by the revocation or suspension of the licence or the ordering of disqualification by virtue of subsection (2) above shall have the like right of appeal as is conferred by section 119 of this Act except that an appeal brought by virtue of this subsection shall, if the appellant is not resident in Great Britain, lie to a prescribed magistrates' court or a prescribed sheriff.]

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Textual Amendments

F460 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

[F461X1PART IV

LICENSING OF DRIVERS OF HEAVY GOODS VEHICLES]

Editorial Information

X1 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

Textual Amendments

F461 Pt. IV (ss. 110–122): by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(1)(2)(7), 16, **Sch. 6** it is provided that Pt. IV (entitled "Licensing of drivers of heavy goods vehicles") shall cease to have effect and is repealed (1.4.1991) and by s. 2(1) of that 1989 Act (coming into force 1.4.1991) it is provided that there shall be inserted as Part IV (entitled "Licensing of drivers of large goods vehicles and passenger-carrying vehicles") of this 1988 Act the provisions set out in Schedule 2 to that 1989 Act which: (a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and (b) re-enact and assimilate certain of the provisions of Part IV of the 1988 Act (as originally enacted) and of section 22 of the Public Passenger Vehicles Act 1981 (c. 14) to take account of the abolition by section 1 above of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part III of the 1988 Act

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PART V

DRIVING INSTRUCTION

Instructors to be registered or licensed

123 Driving instruction for payment to be given only by registered or licensed persons.

(1) No paid instruction in the driving of a motor car shall be given unless—

(a) the name of the person giving the instruction is in the register of approved instructors established in pursuance of section 23 of the [M41]Road Traffic Act 1962 (in this Part of this Act referred to as "the register"), or

(b) the person giving the instruction is the holder of a current licence granted under this Part of this Act authorising him to give such instruction.

(2) No paid instruction in the driving of a motor car shall be given unless there is fixed to and exhibited on that motor car in such manner as may be prescribed by regulations either—

(a) a certificate in such form as may be so prescribed that the name of the person giving the instruction is in the register, or

(b) a current licence granted under this Part of this Act authorising the person giving the instruction to give such instruction.

(3) For the purposes of subsections (1) and (2) above, instruction is paid instruction if payment of money or money's worth is, or is to be, made by or in respect of the person to whom the instruction is given for the giving of the instruction and for the purposes of this subsection instruction which is given—

(a) free of charge to a person who is not the holder of a current licence to drive a motor vehicle granted under Part III of this Act (other than a provisional licence),

(b) by, or in pursuance of arrangements made by, a person carrying on business in the supply of motor cars, and

(c) in connection with the supply of a motor car in the course of that business,

shall be deemed to be given for payment of money by the person to whom the instruction is given.

(4) Where instruction is given in contravention of subsection (1) above—

(a) the person by whom it is given, and

(b) if that person is employed by another to give that instruction, that other, as well as that person,

is guilty of an offence.

(5) In proceedings against a person for an offence under subsection (4) above it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that his name or, as the case may be, that of the person employed by him, was not in the register at the material time.

(6) If instruction is given in contravention of subsection (2) above, the person by whom it is given is guilty of an offence.

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(7) Any reference in this Part of this Act to a current licence **[**F462or certificate**]** is a reference to a licence **[**F462or certificate**]** which has not expired and has not been cancelled, revoked or suspended.

[F463(8) In this Part of this Act—

"paid instruction", in relation to instruction in the driving of a motor car, shall be construed in accordance with subsection (3) above; and

"provisional licence" has the same meaning as in Part III of this Act.**]**

Textual Amendments

F462 Words in s. 123(7) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 2(2)**; S.I. 1996/1980, **art. 2**

F463 S. 123(8) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 2(3)**; S.I. 1996/1980, **art. 2**

Modifications etc. (not altering text)

C86 S. 123 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Marginal Citations

M41 1962 c. 59.

124 Exemption of police instructors from prohibition imposed by section 123.

(1) Section 123(1) and (2) of this Act does not apply to the giving of instruction by a police instructor in pursuance of arrangements made by a chief officer of police or, under the authority of a chief officer of police, in pursuance of arrangements made by a local authority.

(2) In this section—

[F464"chief officer of police" includes the Director General of the National Criminal Intelligence Service and the Director General of the National Crime Squad;

F465"police authority" includes the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad;

F466"police force" includes the National Criminal Intelligence Service and the National Crime Squad;**]**

"police instructor" means a person who is—

(a) a member of a police force whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of motor cars to persons being members of a police force, or

(b) a civilian employed by a police authority for the purpose of giving such instruction to such persons, and

"local authority" means—

(a) in relation to England and Wales, the council of a county, metropolitan district, or London borough or the Common Council of the City of London,

(b) in relation to Scotland, a regional or islands council.

F467(3) . . . . . .

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Textual Amendments

F464 Definition of "chief officer of police" in s. 124(2) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 58**; S.I. 1998/354, **art. 2**

F465 Definition of "police authority" in s. 124(2) inserted (1.4.1998) by S.I. 1997 c. 50, s. 134(1), **Sch. 9 para. 58**; S.I.1998/354, **art. 2**

F466 Definition of "police force" in s. 124(2) inserted (1.4.1998) by S.I. 1997 c. 50, **s. 134**(10, Sch. 9 para. 58; S.I. 1998/354, **art. 2**

F467 S. 124(3) repealed (3.7.2000) by 1999 c. 29, s. 325, 423, Sch. 27 para. 60, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

Modifications etc. (not altering text)

C87 S. 124 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Registration

125 The register of approved instructors.

(1) The compilation and maintenance of the register shall continue by virtue of this Act.

(2) An application for the entry of a person's name in the register must be made, in manner determined by the Secretary of State, accompanied by particulars so determined, to the officer of the Secretary of State (in this Part of this Act referred to as "the Registrar") by whom the register is, on behalf of the Secretary of State, compiled and maintained.

(3) Where a person duly applies for the entry of his name in the register, the Registrar must, on payment of such fee, if any, as may be prescribed by regulations, enter his name in the register if he satisfies the Registrar that the following conditions are fulfilled in his case—

(a) he has passed such examination of ability to give instruction in the driving of motor cars (consisting of a written examination, a practical test of ability and fitness to drive and a practical test of ability and fitness to instruct) as may be so prescribed,

[[F468](b) he is the holder of–

(i) a current licence to drive a motor car (not being a provisional licence) granted under Part III of this Act,

(ii) a current licence to drive a motor car (not being a licence corresponding to a provisional licence) granted under the law in force in Northern Ireland, or

(iii) a Community licence by which he is authorised to drive a motor car in Great Britain and a counterpart of that licence,**]**

(c) during the period of six years ending with the day on which the application is made, the periods (if any) for which he did not hold one or more of the following licences, that is—

(i) a current licence of one of the kinds mentioned in paragraph (b) above, and

[[F469](ii) a current foreign licence, that is to say a document issued under the law of a country or territory other than an EEA State (within the meaning of Part III of this Act [F470]), authorising the holder to drive a motor car in that country or territory.**]**

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did not amount in aggregate to more than two years,

(d) he has not, during any part of the period of four years ending with the day on which the application is made, been disqualified under section 34 or 36 of the [M42]Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act, and

(e) apart from fulfilment of the preceding conditions, he is a fit and proper person to have his name entered in the register.

(4) At any time when a person who held a current licence of one of the following kinds, that is—

(a) a licence to drive a motor car granted under Part III of this Act, being a provisional licence, and

(b) a licence to drive a motor car (being a licence corresponding to a provisional licence) granted under the law in force in Northern Ireland,

had passed the test of competence to drive a motor car prescribed by virtue of section 89(3) of this Act or the corresponding law in force in Northern Ireland, he shall be regarded for the purposes of paragraph (c) of subsection (3) above as having held a current licence of one of the kinds mentioned in paragraph (b) of that subsection.

(5) The entry of a person's name in the register shall be subject to the condition that, so long as his name is in the register, he will, if at any time required to do so by the Registrar, **[**[F471]submit himself for such test of continued ability and fitness to give instruction in the driving of motor cars (which may consist of practical and other means of assessment) as may be prescribed by regulations.**]**

(6) Regulations may provide that persons of such class as may be specified in the regulations shall be exempt from the condition mentioned in subsection (3)(a) above as regards such part of the examination mentioned in that paragraph as may be so specified.

(7) If the Secretary of State is satisfied that satisfactory provision is made by the law of Northern Ireland for the establishment of a register containing the names of persons qualified under that law to give instruction in the driving of motor cars, a person who satisfies the Registrar—

(a) that his name is in the register established under that law, and

(b) that he is resident in Great Britain,

shall be exempt from the condition mentioned in subsection (3)(a) above.

(8) The Registrar must, on making a decision on an application under subsection (2) above, give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, must state the grounds for the refusal.

[[F472](9) Subsections (2) to (8) above do not apply in relation to an application by a person to have his name entered in the register as that of a disabled instructor and to his entry in the register as such.**]**

[[F473](10) In this Part of this Act, "Community licence" and "counterpart", in relation to a Community licence, have the same meanings as in Part III of this Act.**]**

Textual Amendments

F468 S. 125(3)(b) substituted (1.4.1999) by S.I. 1999/357, **reg. 2(2)(a)**

F469 S. 125(3)(c)(ii) substituted (1.4.1999) by S.I. 1999/357, **reg. 2(2)(b)**

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F470 See section 108(1), the relevant amendments being by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974).
F471 Words in s. 125(5) substituted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 7**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**
F472 S. 125(9) substituted (9.9.1996) by 1993 c. 31, ss. 6, **Sch. para. 3**; S.I. 1996/1980, **art. 2**
F473 S. 125(10) inserted (1.4.1999) by S.I. 1999/357, **reg. 2(2)(c)**

Modifications etc. (not altering text)
C88 S. 125 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**
C89 S. 125 modified (10.8.2005) by The Motor Cars (Driving Instruction) Regulations 2005 (S.I. 2005/1902), **reg. 9**
C90 S. 125(3)(d) extended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(2)**

Marginal Citations
M42 1988 c. 53.

[F474 125A Registration of disabled persons.

(1) A person who—
(a) suffers from a relevant disability or a prospective disability,
(b) holds a current disabled person's limited driving licence, and
(c) holds a current emergency control certificate,
may apply to the Registrar for his name to be entered in the register as that of a disabled instructor.

(2) An application under subsection (1) above shall be made in such manner, and shall be accompanied by such particulars, as the Secretary of State may determine.

(3) If, at the time when he makes an application under subsection (1) above, a person is aware—
(a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Secretary of State in making an application for his current emergency control certificate, or
(b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the granting of his current emergency control certificate,
his application under subsection (1) above must be accompanied by written notification of the nature and extent of his disability.

(4) Any person who fails without reasonable excuse to comply with the requirement imposed by subsection (3) above is guilty of an offence.

(5) Where a person duly applies for the entry of his name in the register as that of a disabled instructor and satisfies the Registrar that the conditions in subsection (6) below are fulfilled in his case, the Registrar must, subject to section 125B(4) of this Act, on payment of such fee, if any, as may be prescribed by regulations, enter the applicant's name in the register with an indication that he is a disabled person.

(6) The conditions referred to in subsection (5) above are that—
(a) the applicant has passed such examination of ability to give instruction in the driving of motor cars (consisting of a written examination, a practical test of

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ability and fitness to drive and a practical test of ability and fitness to instruct) as may be prescribed by regulations,

(b) the conditions set out in paragraphs (c) and (d) of section 125(3) of this Act are fulfilled, and

(c) apart from the fulfilment of the preceding conditions, he is a fit and proper person to have his name entered in the register as that of a disabled instructor;

and for the purposes of paragraph (b) above, references in paragraphs (c) and (d) of subsection (3) of section 125 of this Act to the making of an application under subsection (2) of that section shall be read as references to the making of an application under subsection (1) above.

(7) Regulations may provide that persons of such class as may be specified in the regulations shall be exempt from the condition mentioned in paragraph (a) of subsection (6) above as regards such part of the examination mentioned in that paragraph as may be so specified.

(8) In this Part of this Act—

"appropriate motor car" means, subject to section 125B(2) of this Act, a motor car equipped with automatic transmission;

"disability" means a want of physical ability affecting the driving of motor cars; and

(i) "relevant disability", in relation to a person, means any disability which is prescribed in regulations or any other disability likely to cause the driving of a motor car by him to be a source of danger to the public; and

(ii) "prospective disability", in relation to a person, means any other disability which, at the material time, is not of such a kind that it is a relevant disability but, by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in course of time;

"disabled person's limited driving licence" means a licence of one of the following kinds, that is to say—

(a) a licence to drive a motor car granted under Part III of this Act (not being a provisional licence) which is limited, by virtue of a notice served under section 92(5)(b) of this Act, to an appropriate motor car; [F475]. . .

(b) a licence to drive a motor car granted under the law in force in Northern Ireland (not being a licence corresponding to a provisional licence) which is similarly limited by virtue of any corresponding provision of that law; **[**[F476] and

[F476](c) a Community licence authorising the driving of a motor car which is similarly limited by virtue of any corresponding provision of the law under which it was issued and a counterpart of that licence;**]**

"emergency control assessment" and "emergency control certificate" mean an assessment and a certificate under section 133A of this Act;

"modifications", in relation to a motor car, includes equipment; and

"registered disabled instructor" means a person whose name is in the register with an indication that he is disabled;

and any reference, in relation to a person, to the class of motor car covered by his disabled person's limited driving licence is a reference to the class of motor car specified in the notice served on him under section 92(5)(b) of this Act but disregarding any modifications specified in the notice.**]**

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F474 S. 125A inserted (9.9.1996) by 1993 c. 31, **s. 1**; S.I. 1996/1980, **art. 2**

F475 Word "and" in definition of "disabled persons limited driving licence" in s. 125A(8)(a) omitted (1.4.1999) by virtue of 1999/357, reg. 2(3)(a)

F476 S. 125A(8)(c) and preceding word "and" inserted (1.4.1999) by S.I. 1999/357, **reg. 2(3)(b)**

Modifications etc. (not altering text)

C91 S. 125A excluded (23.6.1999) by S.I. 1999/1736, **art. 8(2)(b)**

C92 S. 125A modified (10.8.2005) by The Motor Cars (Driving Instruction) Regulations 2005 (S.I. 2005/1902), **reg. 9**

[F477 125B Provisions supplementary to section 125A.

(1) A person who fulfils the conditions mentioned in section 125A(1)(a) and (b) of this Act may, for the purpose of obtaining an emergency control certificate, apply to undergo an emergency control assessment.

(2) Regulations may specify modifications of a motor car as modifications which are to be required for a motor car to be an appropriate motor car for the purposes of this Part of this Act or as modifications which are not to be required for a motor car to be an appropriate motor car for those purposes.

(3) If the Secretary of State is satisfied—

(a) that the provision of the law of Northern Ireland required by section 125(7) for the operation of that subsection is made by that law, and

(b) that that law includes satisfactory provision for purposes corresponding to the purposes of section 125A of this Act,

a person who satisfies the Registrar of the matters mentioned in that subsection and that his name is in the register maintained under that law as that of a disabled instructor shall also be exempt from the conditions mentioned in subsection (1)(c) and (6)(a) of section 125A of this Act.

(4) The Registrar may refuse to enter the name of a person in the register under section 125A of this Act as that of a disabled instructor if he is satisfied that that person has at any time refused to comply with a requirement imposed under section 133B(2) of this Act to submit himself for a further emergency control assessment.

(5) The Registrar must, on making a decision on an application under section 125A of this Act, give notice in writing of his decision to the applicant which, in the case of a decision to refuse the application, must state the grounds for the refusal.

(6) The entry of a person's name in the register as that of a disabled instructor shall be subject to the condition that, so long as he is a registered disabled instructor, he will, if at any time required to do so by the Registrar—

(a) submit himself for a further emergency control assessment on the day (within such period as may be prescribed by regulations) and at the place specified by the Registrar; or

(b) submit himself for such test of continued ability and fitness to give instruction in the driving of appropriate motor cars **[**F478(which may consist of practical and other means of assessment)**]** as may be prescribed by regulations.

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(7) In considering whether to exercise, in respect of any person, his power under subsection (6)(a) above, the Registrar shall have regard to any recommendation included in that person's current emergency control certificate as to the period after the end of which he should undergo a further emergency control assessment.**]**

Textual Amendments

F477 S. 125B inserted (9.9.1996) by 1993 c. 31, **s. 1**; S.I. 1996/1980, **art. 2**

F478 Words in s. 125B(6)(b) inserted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 8**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

126 Duration of registration.

(1) Unless previously removed under the following provisions of this Part of this Act, the name of a person shall, subject to subsection (2) below, be removed from the register at the end of the period of four years beginning with—

(a) the first day of the month next after that in which the entry of his name was made, or

(b) where his name has been retained in the register under section 127 of this Act, the day with which the last further period for which his name was so retained began.

(2) If an application for the retention of his name in the register is made under section 127 of this Act before the end of that period, the name must not be removed except in pursuance of a decision of the Registrar having effect under that section.

(3) Where a person whose name has been removed from the register under subsection (1) above applies under section 125(2) of this Act for his name to be entered again in the register, he shall be required again to pass the examination mentioned in section 125(3)(a) of this Act unless the application is made before the end of the period of one year beginning with the end of the period of four years mentioned in subsection (1) above.

[F479(4) Where a registered disabled instructor whose name has been removed from the register under subsection (1) above applies under section 125A(1) of this Act for his name to be entered again in the register as that of a disabled instructor, he shall be required again to pass the examination mentioned in section 125A(6)(a) of this Act unless the application is made before the end of the period of one year beginning with the end of the period of four years mentioned in subsection (1) above.**]**

Textual Amendments

F479 S. 126(4) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 4**; S.I. 1996/1980, **art. 2**

Modifications etc. (not altering text)

C93 S. 126 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

127 Extension of duration of registration.

(1) A person may, before the time when his name is required under section 126(1) of this Act to be removed from the register, apply to the Registrar, in manner determined by

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the Secretary of State, accompanied by particulars so determined, for the retention of his name in the register for a further period of four years.

(2) On an application under subsection (1) above, he shall be entitled, on payment of such fee, if any, as may be prescribed by regulations, to have his name retained in the register for that further period, if he satisfies the Registrar that the **[**F480relevant**]** conditions are fulfilled in his case.

(3) **[**F481Except in the case of a registered disabled instructor, the relevant conditions are**]**—

(a) that he has not refused to undergo any such test as is mentioned in section 125(5) of this Act which he has been required to undergo during the period of four years ending with the time when his name is required under section 126(1) of this Act to be removed from the register,

(b) that his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test or tests which he has undergone during that period, to be of a satisfactory standard,

(c) that he is the holder of a current licence of one of the kinds mentioned in section 125(3)(b) of this Act,

(d) that he has not during any part of that period been disqualified under section 34 or 36 of the M43Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act, and

(e) that, apart from fulfilment of the preceding conditions, he continues to be a fit and proper person to have his name entered in the register.

[F482(3A) In the case of a registered disabled instructor, the relevant conditions are—

(a) that he holds a current emergency control certificate,

(b) that he has not refused to undergo—

(i) any such assessment as is mentioned in section 125B(6)(a) of this Act, or

(ii) any such test as is mentioned in section 125B(6)(b) of this Act,

which he has been required to undergo during the period of four years ending with the time when his name is required under section 126(1) of this Act to be removed from the register,

(c) that his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test or tests of the kind mentioned in section 125B(6)(b) of this Act which he has undergone during that period, to be of a satisfactory standard,

(d) that he is the holder of a current disabled person's limited driving licence,

(e) that he has not during any part of that period been disqualified under section 34 or 36 of the Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle granted under Part III of this Act, and

(f) that, apart from fulfilment of the preceding conditions, he continues to be a fit and proper person to have his name entered in the register as that of a disabled instructor.**]**

[F483(4) The retention of a person's name under this section shall be subject—

(a) in the case of its retention by virtue of subsection (3) above, to the condition mentioned in section 125(5) of this Act, and

(b) in the case of its retention by virtue of subsection (3A) above, to the condition mentioned in section 125B(6) of this Act.**]**

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(5) Before refusing an application under subsection (1) above the Registrar must give to the applicant written notice stating that he is considering the refusal of the application and giving particulars of the grounds on which he is considering it.

(6) Where the Registrar gives notice under subsection (5) above—

(a) the applicant may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations with respect to the proposed refusal,

(b) the Registrar must not decide to refuse the application until after the expiration of that period, and

(c) before deciding whether or not to refuse the application, the Registrar must take into consideration any such representations made by the applicant within that period.

(7) On deciding to grant or refuse an application the Registrar must give notice in writing of the decision to the person concerned.

[[F484](7A) A decision to refuse an application shall take effect at the end of the period of fourteen days beginning with the day on which notice of the decision is given (or, if any appeal brought against the decision under the following provisions of this Part of this Act is previously withdrawn or dismissed, when the appeal is withdrawn or dismissed).**]**

(8) **[**[F485]But the Registrar may, when giving notice of his decision to refuse the application, direct that the decision shall instead**]** take effect—

(a) where no appeal under the following provisions of this Part of this Act is brought against the decision within the time limited for the appeal, on the expiration of that time,

(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal,

(c) where such an appeal is brought and not withdrawn or struck out for want of prosecution, if and when the appeal is dismissed, and not otherwise.

Textual Amendments

F480 Word in s. 127(2) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 5(2)**; S.I. 1996/1980, **art. 2**

F481 Words in s. 127(3) substituted (9.9.1996) by 1993 c. 31, s. Sch. para. 5(3); S.I. 1996/1980, **art. 2**

F482 S. 127(3A) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 5(4)**; S.I. 1996/1980, **art. 2**

F483 S. 127(4) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 5(5)**; S.I. 1996/1980, **art. 2**

F484 S. 127(7A) inserted (1.4.2002) by 2000 c. 38, **s. 259(1)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(1))

F485 Words in s. 127(8) substituted (1.4.2002) by 2000 c. 38, **s. 259(1)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(1))

Modifications etc. (not altering text)

C94 S. 127 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

C95 S. 127(3) modified (1.1.2007) by The Motor Cars (Driving Instruction) Regulations 2005 (S.I. 2005/1902), **reg. 11**

C96 S. 127(3)(d) extended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(2)**

C97 S. 127(3A) modified (1.1.2007) by The Motor Cars (Driving Instruction) Regulations 2005 (S.I. 2005/1902), **reg. 11**

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Marginal Citations
M43 1988 c. 53.

128 Removal of names from register.

(1) The Registrar may remove the name of a person from the register if he is satisfied that—

(a) in a case where his name has not been retained in the register under section 127 of this Act, at any time since the entry of his name was made, and

(b) in a case where his name has been so retained under that section, at any time since it was last retained,

any of the **[**F486relevant**]** conditions was fulfilled in his case.

(2) **[**F487Except in the case of a registered disabled instructor, the relevant conditions are**]**—

(a) that he held **[**F488none**]**of the kinds of current licence mentioned in section 125 (3)(b) of this Act,

(b) that he was disqualified under section 34 or 36 of the M44Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle under Part III of this Act,

(c) that he refused to undergo a test such as is mentioned in section 125 (5) of this Act,

(d) that he failed to pass such a test,

(e) that he ceased, apart from fulfilment of any of the preceding conditions, to be a fit and proper person to have his name included in the register.

[F489(2A) In the case of a registered disabled instructor, the relevant conditions are—

(a) that he did not hold a current emergency control certificate,

(b) that he did not hold a current disabled person's limited driving licence,

(c) that he was disqualified under section 34 or 36 of the Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle under Part III of this Act,

(d) that he refused to undergo any such assessment as is mentioned in section 125B(6)(a) of this Act,

(e) that he refused to undergo, or failed to pass, any such test as is mentioned in section 125B(6)(b) of this Act,

(f) that he ceased, apart from fulfilment of the preceding conditions, to be a fit and proper person to have his name included in the register as that of a disabled instructor.**]**

(3) The Registrar may remove the name of a person from the register if the entry of his name in the register, or the retention of his name in the register, was made by mistake or procured by fraud.

(4) Before removing the name of a person from the register under this section, the Registrar must give him written notice stating that he is considering the removal and giving particulars of the grounds on which he is considering it.

(5) Where the Registrar gives notice to a person under subsection (4) above—

(a) that person may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations with respect to the proposed removal,

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(b) the Registrar must not decide to remove his name from the register until after the expiration of that period, and

(c) before deciding whether or not to remove his name from the register, the Registrar must take into consideration any such representations made by him within that period.

(6) The Registrar must, on making a decision to remove a name from the register, give notice in writing of the decision to the person concerned.

[F490(6A) A decision to remove a name from the register shall take effect at the end of the period of fourteen days beginning with the day on which notice of the decision is given (or, if any appeal brought against the decision under the following provisions of this Part of this Act is previously withdrawn or dismissed, when the appeal is withdrawn or dismissed).**]**

(7) **[**F491But the Registrar may, when giving notice of his decision to remove the name from the register, direct that the decision shall instead**]** take effect—

(a) where no appeal under the following provisions of this Part of this Act is brought against the decision within the time limited for the appeal, on the expiration of that time,

(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal,

(c) where such an appeal is brought and not withdrawn or struck out for want of prosecution, if and when the appeal is dismissed, and not otherwise.

[F492(8) Where a person whose name has been removed from the register under this section applies under subsection (2) of section 125 of this Act for his name to be entered again in the register and either—

(a) the application is made after the end of the period of one year beginning with the date on which his name was removed; or

(b) his name was removed on the grounds that he has failed to pass such a test as is mentioned in subsection (5) of that section,

the Registrar shall not regard the condition specified in paragraph (a) of subsection (3) of that section as fulfilled unless he is satisfied that that person has again passed the examination mentioned in that paragraph since the date on which his name was removed from the register.**]**

[F493(9) Where a person whose name was entered in the register as that of a disabled instructor and whose name has been removed from the register under this section applies under subsection (1) of section 125A of this Act for his name to be entered again in the register as that of a disabled instructor and either—

(a) the application is made after the end of the period of one year beginning with the date on which his name was removed, or

(b) his name was removed on the ground that he has failed to pass such a test as is mentioned in section 125B(6)(b) of this Act,

the Registrar shall not regard the condition mentioned in section 125A(6)(a) of this Act as fulfilled unless he is satisfied that that person has again passed the examination mentioned in the said section 125A(6)(a) since the date on which his name was removed from the register.**]**

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Textual Amendments

F486 Word in s. 128(1) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 6(2)**; S.I. 1996/1980, **art. 2**

F487 Words in s. 128(2) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 6(3)**; S.I. 1996/1980, **art. 2**

F488 Word in s. 128(2)(a) substituted (1.4.1999) by S.I. 1999/357, **reg. 2(4)**

F489 S. 128(2A) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 6(4)**; S.I. 1996/1980, **art. 2**

F490 S. 128(6A) inserted (1.4.2002) by 2000 c. 38, **s. 259(2)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(1))

F491 Words in s. 128(7) substituted (1.4.2002) by 2000 c. 38, **s. 259(2)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(1))

F492 S. 128(8) inserted by S.I. 1991/1129, **art. 2**

F493 S. 128(9) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 6(5)**; S.I. 1996/1980, **art. 2**

Modifications etc. (not altering text)

C98 S. 128 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

C99 S. 128(2) modified (1.1.2007) by The Motor Cars (Driving Instruction) Regulations 2005 (S.I. 2005/1902), **reg. 10**

C100 S. 128(2)(b) extended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(2)**

C101 S. 128(2A) modified (1.1.2007) by The Motor Cars (Driving Instruction) Regulations 2005 (S.I. 2005/1902), **reg. 10**

Marginal Citations

M44 1988 c. 53.

Licences

129 Licences for giving instruction so as to obtain practical experience.

(1) A licence under this section is granted for the purpose of enabling a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing **[**[F494]either—

(a)**]** such part of the examination referred to in section 125(3)(a) of this Act **[**[F495], or

(b) such part of any examination prescribed for the purposes of section 125A(6)(a) of this Act,**]**

as consists of a practical test of ability and fitness to instruct.

[[F496](2) Subject to subsection (3) below, where a person applies to the Registrar in the manner determined by the Secretary of State, accompanied by particulars so determined, and the Registrar is satisfied either—

(a) that the applicant has passed the other parts of the examination referred to in subsection (1)(a) above and that the conditions set out in section 125(3)(b) to (e) of this Act are fulfilled in his case, or

(b) that the applicant has passed the other parts of the examination referred to in subsection (1)(b) above and that—

(i) he holds a current disabled person's limited driving licence and a current emergency control certificate, and

(ii) the conditions referred to in subsection (6)(b) and the condition set out in subsection (6)(c) of section 125A of this Act are fulfilled in his case,

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the Registrar must, on payment of such fee, if any, as may be prescribed by regulations, grant to the applicant a licence to give paid instruction in the driving of a motor car.**]**

(3) The Registrar may refuse to grant a licence under this section to an applicant to whom such a licence has previously been issued.

(4) The Registrar must, on making a decision on an application under subsection (2) above, give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, must state the grounds of the refusal.

(5) A licence under this section shall be in such form, shall be in force for such period, **[**F497and, subject to subsection (5A) below, shall**]**be granted subject to such conditions, as may be prescribed by regulations.

[F498(5A) A licence granted by virtue of paragraph (b) of subsection (2) above shall be granted subject to the condition that the person to whom it is granted shall not give paid instruction in the driving of a motor car—

(a) unless he holds a current emergency control certificate, and

(b) the car is an authorised motor car.

(5B) In subsection (5A) above "authorised motor car", in relation to any person, means a motor car which falls within the class of motor car specified in his current emergency control certificate and, where modifications are specified in that certificate, is modified in accordance with the specification.**]**

(6) Notwithstanding any provision of regulations made by virtue of subsection (5) above prescribing the period for which a licence is to be in force, where a person applies for a new licence in substitution for a licence held by him and current at the date of the application, the previous licence shall not expire—

(a) until the commencement of the new licence, or

(b) if the Registrar decides to refuse the application, until the time limited for an appeal under the following provisions of this Part of this Act against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.

(7) Before deciding to refuse an application for a new licence in substitution for a licence current at the date of the application, the Registrar must give to the applicant written notice stating that he is considering the refusal and giving particulars of the grounds on which he is considering it.

(8) Where the Registrar gives notice under subsection (7) above—

(a) the applicant may, within the period of fourteen days beginning with the day on which the notice is given, make representations with respect to the proposed refusal, and

(b) the Registrar must not decide to refuse the application until after the expiration of that period, and

(c) before deciding whether or not to refuse the application, the Registrar must take into consideration any such representations made within that period.

Textual Amendments

F494 Words in s. 129(1) inserted (9.9.1996) by 1993 c. 31, **s. 2(1)(a)**; S.I. 1996/1980, **art. 2**

F495 Words in s. 129(1) inserted (9.9.1996) by 1993 c. 31, **s. 2(1)(b)**; S.I. 1996/1980, **art. 2**

F496 S. 129(2) substituted (9.9.1996) by 1993 c. 31, **s. 2(2)**; S.I. 1996/1980, **art. 2**

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F497 Words in s. 129(5) substituted (9.9.1996) by 1993 c. 31, **s. 2(3)**; S.I. 1996/1980, **art. 2**
F498 S. 129(5A)(5B) inserted (9.9.1996) by 1993 c. 31, **s. 2(4)**; S.I. 1996/1980, **art. 2**

Modifications etc. (not altering text)
C102 S. 129 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

130 Revocation of licences.

(1) The registrar may revoke a licence granted under section 129 of this Act—

(a) if the person to whom the licence was granted fails to comply with any of the conditions subject to which it was granted, or

(b) if the Registrar is satisfied that, at any time since the licence was granted, any of the **[**F499relevant conditions**]** was fulfilled in his case, or

(c) if the licence was granted by mistake or procured by fraud.

(2) **[**F500Except in the case of a licence granted by virtue of subsection (2)(b) of section 129 of this Act, the relevant conditions are**]**—

(a) that he held **[**F501none**]** of the kinds of current licence mentioned in section 125 (3)(b) of this Act, or

(b) that he was disqualified under section 34 or 36 of the M45Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle under Part III of this Act, or

(c) that he ceased, apart from fulfilment of either of the preceding conditions, to be a fit and proper person to have his name in the register.

[F502(2A) In the case of a licence granted by virtue of subsection (2)(b) of section 129 of this Act, the relevant conditions are—

(a) that he did not hold a current emergency control certificate, or

(b) that he did not hold a current disabled person's limited driving licence, or

(c) that he was disqualified under section 34 or 36 of the Road Traffic Offenders Act 1988 for holding or obtaining a licence to drive a motor vehicle under Part III of this Act, or

(d) that he ceased, apart from fulfilment of any of the preceding conditions, to be a fit and proper person to have his name in the register as that of a disabled instructor.**]**

(3) Before revoking a licence granted to a person **[**F503under this section**]** the Registrar must give him written notice stating that he is considering the revocation and giving particulars of the grounds on which he is considering it.

(4) Where the Registrar gives notice to a person under subsection (3) above—

(a) that person may, within the period of fourteen days beginning with the day on which the notice is given, make representations with respect to the proposed revocation, and

(b) the Registrar must not decide to revoke the licence until after the expiration of that period, and

(c) before deciding whether or not to revoke the licence, the Registrar must take into consideration any such representations made within that period.

(5) The Registrar must, on making a decision to revoke a licence **[**F503granted under this section**]**, give notice in writing of the decision to the person concerned.

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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[F504(5A) A decision to revoke a licence shall take effect at the end of the period of fourteen days beginning with the day on which notice of the decision is given (or, if any appeal brought against the decision under the following provisions of this Part of this Act is previously withdrawn or dismissed, when the appeal is withdrawn or dismissed).

(6) But the Registrar may, when giving notice of his decision to revoke a licence, direct that (if an appeal under the following provisions of this Part of this Act is brought against the decision) it shall instead take effect—

(a) if the appeal is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal, or

(b) if and when the appeal is dismissed, and not otherwise.**]**

Textual Amendments

F499 Words in s. 130(1)(b) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 7(2)**; S.I. 1996/1980, **art. 2**

F500 Words in s. 130(2) substituted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 7(3)**; S.I. 1996/1980, **art. 2**

F501 Word in s. 130(2)(a) substituted (1.4.1999) by S.I. 1999/357, **reg. 2(4)**

F502 S. 130(2A) inserted (9.9.1996) by 1993 c. 31, **s. 6 Sch. para. 7(4)**; S.I. 1996/1980, **art. 2**

F503 Words in s. 130(3)(5) repealed (1.4.2002) by 2000 c. 38, s. 274, **Sch. 31 Pt. V(1)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (as amended by S.I. 2002/846, **art. 2(2)**)

F504 S. 130(5A)(6) substituted (1.4.2002) for s. 130(6) by 2000 c. 38, **s. 259(3)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

Modifications etc. (not altering text)

C103 S. 130 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

C104 S. 130(2)(b) extended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(2)**

Marginal Citations

M45 1988 c. 53.

Appeals

131 Appeals.

(1) A person who is aggrieved by a decision of the Registrar—

(a) to refuse an application for the entry of his name in the register, or

(b) to refuse an application for the retention of his name in the register, or

(c) to remove his name from the register,

may by notice in writing appeal to the **[**F505Transport Tribunal**]** within the period of twenty-eight days beginning with the day on which notice of the decision was given in accordance with this Part of this Act.

(2) A person who is aggrieved by a decision of the Registrar—

(a) to refuse an application for the grant of a licence under this Part of this Act, or

(b) to revoke such a licence,

may by notice in writing appeal to the **[**F505Transport Tribunal**]** within the period of fourteen days beginning with the day on which notice of the decision was given in accordance with this Part of this Act.

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(3) On the appeal the **[**[F506]Transport Tribunal**]** may make such order—

(a) for the grant or refusal of the application or,

(b) for the removal or the retention of the name in the register, or the revocation or continuation of the licence,

(as the case may be) as **[**[F507]they think**]** fit.

(4) An order for such refusal, removal or revocation may direct that an application by the appellant—

(a) for the grant of a licence under this Part of this Act, or

(b) for his name to be entered in the register,

shall not be entertained before the expiration of such period, not exceeding four years beginning with the day on which the order is made, as may be specified in the order.

[[F508](4A) If the Tribunal consider that any evidence adduced on an appeal had not been adduced to the Registrar before he gave the decision to which the appeal relates, they may (instead of making an order under subsection (3) above) remit the matter to the Registrar for him to reconsider the decision.**]**

[[F509](4B) A person who is aggrieved by a decision of the Registrar not to give a direction under section 127(8), 128(7) or 130(6) of this Act may by notice in writing appeal to the Transport Tribunal within the period of ten days beginning with the day on which notice of the decision is given.

(4C) The Transport Tribunal shall determine the appeal by either—

(a) giving the direction concerned, or

(b) dismissing the appeal,

within the period of fourteen days beginning with the day on which notice of the decision is given.

(4D) Where the Registrar has decided to refuse an application for the retention of a name in the register, to remove a name from the register or to revoke a licence granted under section 129 of this Act but either—

(a) he gave a direction under section 127(8), 128(7) or 130(6) of this Act, or

(b) the Transport Tribunal have given such a direction on appeal,

he may by notice in writing apply to the Transport Tribunal for an order that the decision is to take effect immediately.

(4E) The Transport Tribunal shall determine the Registrar's application by either granting or refusing the application, within the period of fourteen days beginning with the day on which it is made.

(4F) The Transport Tribunal may only grant the application if they consider that a failure to do so might prejudicially affect—

(a) the well-being of any person to whom the person concerned may give instruction in the driving of a motor car, or

(b) the safety of road users.**]**

[[F510](4G) On an appeal under this section the respondent is the Registrar.**]**

(5) [F511] . . . . . .

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Textual Amendments

F505 Words in s. 131(1)(2) substituted (1.4.2002) by 2000 c. 38, **s. 258(1)(2)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

F506 Words in s. 131(3) substituted (1.4.2002) by 2000 c. 38, **s. 258(1)(3)(a)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

F507 Words in s. 131(3) substituted (1.4.2002) by 2000 c. 38, **s. 258(1)(3)(b)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

F508 S. 131(4A) inserted (1.4.2002) by 2000 c. 38, **s. 258(1)(4)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

F509 S. 131(4B)-(4F) inserted (1.4.2002) by 2000 c. 38, **s. 259(4)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

F510 S. 131(4G) is inserted (1.4.2002) by virtue of 2000 c. 38, s. 260, **Sch. 29 para. 12**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

F511 S. 131(5) repealed (1.4.2002) by 2000 c. 38, s. 274, **Sch. 31 Pt. V(1)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(2))

Modifications etc. (not altering text)

C105 S. 131 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

VALID FROM 08/06/2012

I[F512] Compensation

Textual Amendments

F512 S. 131A and crossheading inserted (8.6.2012 for specified purposes, 6.7.2012 so far as not already in force) by Driving Instruction (Suspension and Exemption Powers) Act 2009 (c. 17), s. 7(3), **Sch. 1 para. 7**; S.I. 2012/1356, arts. 3(b), 4(a)

131A Compensation in respect of suspension

(1) The Secretary of State must by regulations make a scheme for the making of payments by the Secretary of State to persons in respect of one or more of the following—

(a) income losses incurred by them as a result of their registrations or licences being suspended by virtue of section 128(7A) to (7G) or (as the case may be) 130(7) to (13),

(b) non-income losses so incurred, and

(c) any other matters which relate to either such suspension and are provided for in the scheme.

(2) No payments may be made under a scheme in respect of the suspension of a person's registration or licence unless—

(a) the suspension is terminated because the Registrar decides not to remove the person's name from the register or (as the case may be) not to revoke the licence,

(b) an appeal is successfully concluded against the decision of the Registrar to remove the person's name from the register or (as the case may be) to revoke the licence (whether or not the Registrar's decision has taken effect), or

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(c) any other circumstances provided for in the scheme apply.

(3) Where the decision of the Registrar to remove the person's name from the register or to revoke the licence has taken effect before an appeal against it is successfully concluded, any payments under a scheme may relate only to the suspension.

(4) A scheme may, in particular, specify—

(a) the description or descriptions of income losses, or

(b) the description or descriptions of non-income losses,

in respect of which payments are to be made but need not provide for the making of payments in respect of all income losses or all non-income losses or for the making of payments which correspond to the full amount of any income losses or non-income losses.

(5) A scheme may also, in particular—

(a) specify the basis or bases of valuation for determining losses or the person who is to decide their valuation,

(b) specify the amounts of payments to be made or the basis or bases on which such amounts are to be calculated,

(c) provide for the procedure to be followed (including when claims may be made and the provision of information) in respect of claims under the scheme and for the determination of such claims.

(6) A person who is aggrieved by a decision of the Secretary of State as to the person's entitlement to payments under a scheme or the amounts of any such payments may appeal to the First-tier Tribunal.

(7) On an appeal, the First-tier Tribunal may make such order as it considers appropriate.

(8) If the Tribunal considers that any evidence adduced on an appeal had not been adduced to the Secretary of State before the making of the decision to which the appeal relates, the Tribunal may (instead of making an order under subsection (7)) remit the matter to the Secretary of State for the Secretary of State to reconsider the decision.

(9) In this section—

"income losses" means losses of income, and

"non-income losses" means losses other than income losses.**]**

Examinations and tests

132 Examinations and tests of ability to give driving instruction.

(1) Regulations may make provision with respect to—

(a) the nature of examinations of the ability of persons to give instruction in the driving of motor cars and tests of continued ability and fitness to give **[**[F513]instruction in the driving of motor cars (or appropriate motor cars)**]**, and

(b) evidence of the results of such tests and examinations,

and generally with respect to such tests and examinations.

(2) In particular, but without prejudice to the generality of subsection (1) above, the regulations may make provision—

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(a) for requiring a person submitting himself **[**F514for any**]** part of such an examination which consists of a practical test, or to **[**F515any part of such a test of continued ability and fitness which consists of practical assessment**]**, to provide a vehicle for the purposes of **[**F516the practical test or assessment**]**, being a vehicle in respect of which such conditions as may be specified in regulations are complied with,

(b) for requiring a person applying to submit himself for any part of such an examination **[**F517, or required to submit himself for such a test,**]** to pay to the Registrar such fee as may be specified in the regulations in relation to that part **[**F518or such tests,**]**, and

(c) for requiring a person who desires to submit himself for any part of such an examination **[**F519, or is required to submit himself for such a test**]** to supply the Registrar with such particulars as the Secretary of State may determine.

Textual Amendments

F513 Words in s. 132(1) substituted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 9(1)(2)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

F514 Words in s. 132(2)(a) substituted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 9(1)(3)(a)(i)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

F515 Words in s. 132(2)(a) substituted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 9(1)(3)(a)(ii)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

F516 Words in s. 132(2)(a) substituted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 9(1)(3)(a)(iii)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

F517 Words in s. 132(2)(b) inserted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 9(1)(3)(b)(i)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

F518 Words in s. 132(2)(b) inserted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 9(1)(3)(b)(ii)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

F519 Words in s. 132(2)(c) inserted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 9(1)(3)(c)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

Modifications etc. (not altering text)

C106 S. 132 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

133 Review of examinations.

(1) On the application of a person who has **[**F520undergone a relevant examination, or a part of such an examination**]**—

(a) the magistrates' court acting for the petty sessions area in which he resides, or

(b) in Scotland, the sheriff within whose jurisdiction he resides,

may determine whether **[**F521the examination or part was properly conducted**]**

(2) If it appears to the court or sheriff **[**F522the examination or part was not properly**]**conducted, the court or sheriff may order that any fee payable by the applicant in respect of **[**F523the examination or part**]**shall not be paid or, if it has been paid, shall be repaid.

(3) No appeal shall lie under section 131 of this Act in respect of any matter in respect of which an application may be made to a magistrates' court or a sheriff under subsection (1) above.

[F524(4) In this section "a relevant examination" means—

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(a) an examination of ability to give instruction in the driving of motor cars,

(b) a test of continued ability and fitness to give instruction in the driving of motor cars (or appropriate motor cars), or

(c) an emergency control assessment.**]**

Textual Amendments

F520 Words in s. 133(1) substituted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 11(1)(2)(a)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(3))

F521 Words in s. 133(1) substituted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 11(1)(2)(b)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(3))

F522 Words in s. 133(2) substituted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 11(1)(3)(a)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(3))

F523 Words in s. 133(2) substituted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 11(1)(3)(b)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(3))

F524 S. 133(4) inserted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 11(1)(4)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with art. 3(3))

Modifications etc. (not altering text)

C107 S. 133 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

[F525 Disabled persons: emergency control certificates, etc]

Textual Amendments

F525 Ss. 133A, 133B and cross-heading inserted (9.9.1996) by 1993 c. 31, **s.3**; S.I. 1996/1980, **art. 2**

[F526 133A Assessment of disabled person's ability to control a motor car in an emergency.

(1) This section applies to any person who, by or under any provision of this Part of this Act,—

(a) is authorised to apply to undergo an emergency control assessment, or

(b) is required by the Registrar to submit himself for an emergency control assessment.

(2) An emergency control assessment is an assessment of whether the person being assessed would be able either—

(a) to take control of a motor car of a class covered by his disabled person's limited driving licence without any modifications, or

(b) to take control of a motor car of a class covered by his disabled person's limited driving licence only with appropriate modifications of such a motor car,

if an emergency arose while he was giving, in such a motor car, instruction in the driving of an appropriate motor car.

(3) Where a person is authorised to apply to undergo an emergency control assessment, for the application to be duly made, it must be made to the Secretary of State and must include—

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(a) a declaration by the person making the application, in such form as the Secretary of State may require, stating every relevant disability or prospective disability from which the person is suffering or has at any time (or, if a period is prescribed by regulations, has during that period) suffered; and

(b) such other particulars as the Secretary of State may require.

(4) Where a person is required to submit himself for an emergency control assessment he must furnish to the Secretary of State such particulars as the Secretary of State may require.

[F527(4A) Regulations may require a person who applies to undergo an emergency control assessment (or a part of such an assessment), or is required to submit himself for such an assessment, to pay a fee to the Secretary of State.**]**

(5) An emergency control assessment—

(a) shall be conducted by a person appointed by the Secretary of State (in this section referred to as "the assessor"); and

(b) shall consist of such practical tests and other means of assessment as the Secretary of State may determine.

(6) On completing an emergency control assessment of a person, the assessor shall grant him an emergency control certificate if he is satisfied either—

(a) that, in the circumstances mentioned in subsection (2) above, that person would be able to take control of a motor car of a class covered by his disabled person's limited driving licence without any modifications, or

(b) that, in the circumstances mentioned in subsection (2) above, that person would be able to take control of a motor car of a class covered by his disabled person's limited driving licence only with appropriate modifications of such a motor car;

but if the assessor is not so satisfied, he shall refuse to grant a certificate to that person.

(7) An emergency control certificate granted to any person—

(a) shall specify the class of motor car covered by his disabled person's limited driving licence in relation to which the assessor is satisfied as mentioned in subsection (6)(a) or (b) above, specifying, in a case falling within paragraph (b) the modifications that are appropriate; and

(b) may include a recommendation that that person should undergo a further emergency control assessment after the end of such period as is specified in the certificate;

and shall otherwise be in such form as the Secretary of State may determine.

(8) Different modifications for different classes of motor car may be specified under subsection (7)(a) above.

(9) The assessor who has assessed any person under this section—

(a) if he grants an emergency control certificate, shall—

(i) give or send the certificate to that person, and

(ii) send a copy of the certificate to the Registrar; and

(b) if he refuses to grant such a certificate, shall—

(i) give notice in writing to that person of his decision and of the reasons for it, and

(ii) send a copy of the notice to the Registrar.**]**

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Textual Amendments

F526 Ss. 133A, 133B and cross-heading inserted (9.9.1996) by 1993 c. 31, **s. 3**; S.I. 1996/1980, **art. 2**

F527 S. 133A(4A) inserted (1.4.2002) by 2000 c. 38, s. 260, **Sch. 29 para. 10**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2**

Modifications etc. (not altering text)

C108 S. 133A excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

[F528 133B Further assessments.

(1) A person who has undergone an emergency control assessment may not apply to undergo a further assessment until after the end of—

(a) the period of six months beginning with the date of his most recent previous assessment, or

(b) such other period as may be prescribed by regulations,

unless, by virtue of section 125B(6)(a) of this Act or subsection (2) below, he is required by the Registrar to submit himself for a further assessment.

(2) A person whose name is not on the register but who holds a current emergency control certificate shall, if at any time required to do so by the Registrar, submit himself for a further emergency control assessment on the day (within such period as may be prescribed by regulations) and at the place specified by the Registrar.

(3) In considering whether to exercise, in respect of any person, his power under subsection (2) above, the Registrar shall have regard to any recommendation included in that person's current emergency control certificate as to the period after the end of which he should undergo a further emergency control assessment.

(4) A person who—

(a) holds a current emergency control certificate, but

(b) wishes to undergo a further emergency control assessment with a view to establishing his ability to control any class of motor car not specified in his current certificate,

may, with the consent of the Registrar and subject to subsection (1) above, apply to undergo a further assessment; but a person applying to undergo a further assessment under this subsection shall not be required to make the declaration required by section 133A(3)(a) of this Act.

(5) An application made under subsection (4) above for the consent of the Registrar shall be made in such manner and be accompanied by such particulars as the Registrar may require.

(6) If, as a result of undergoing a further emergency control assessment, a person is granted a fresh emergency control certificate the grant of that certificate shall, with effect from the date on which it is notified as taking effect, revoke the previous certificate.

(7) If, in the case of an emergency control assessment conducted in respect of a person who holds a current emergency control certificate, the assessor is not satisfied as to either of the matters specified in paragraphs (a) and (b) of section 133A(6), he shall revoke the certificate.

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(8) Where a person's emergency control certificate is revoked under subsection (7) above the assessor shall—

(a) serve notice in writing on him specifying—

(i) the grounds for the revocation, and

(ii) the date, not being earlier than the date of service of the notice, on which the revocation is to take effect, and

(b) send a copy of the notice to the Registrar.

(9) In this section "assessor" has the same meaning as in section 133A of this Act.**]**

Textual Amendments

F528 Ss. 133A, 133B and cross-heading inserted (9.9.1996) by 1993 c. 31, **s. 3**; S.I. 1996/1980, **art. 2**

Modifications etc. (not altering text)

C109 S. 133B excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

[F529133C Duty to disclose further disability.

(1) This section applies to—

(a) registered disabled instructors, and

(b) persons who hold licences under section 129 of this Act granted by virtue of subsection (2)(b) of that section.

(2) If at any time a person to whom this section applies becomes aware—

(a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Secretary of State under section 125A(3) or 133A(3) or (4) of this Act, or

(b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since his current emergency control certificate was granted,

he must forthwith notify the Registrar in writing of the nature and extent of his disability.

(3) Subsection (2) above does not require a person to notify the Registrar if—

(a) the disability is one from which he has not previously suffered, and

(b) he has reasonable grounds for believing that the duration of the disability will not extend beyond the period of three months beginning with the date on which he first becomes aware that he suffers from it.

(4) A person who fails without reasonable excuse to notify the Registrar as required by subsection (2) above is guilty of an offence.**]**

Textual Amendments

F529 S. 133C inserted (9.9.1996) by 1993 c. 31, **s.4**; S.I. 1996/1980, **art. 2**

Modifications etc. (not altering text)

C110 S.133C excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

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[F530 133D Offences relating to giving by disabled person of paid driving instruction.

(1) This section applies to—

(a) registered disabled instructors, and

(b) persons who hold licences under section 129 of this Act granted by virtue of subsection (2)(b) of that section.

(2) No person to whom this section applies shall give paid instruction in the driving of a motor car unless he is the holder of a current emergency control certificate.

(3) No person to whom this section applies shall give, in any unauthorised motor car, paid instruction in the driving of a motor car.

(4) Where instruction is given in contravention of this section—

(a) the person by whom it is given, and

(b) if that person is employed by another to give that instruction, that other, as well as that person,

is guilty of an offence.

(5) In subsection (3) above "unauthorised motor car", in relation to any person, means a motor car other than one which falls within the class of motor car specified in his current emergency control certificate and, where modifications are specified in that certificate, is modified in accordance with the specification.**]**

Textual Amendments

F530 S. 133D inserted (9.9.1996) by 1993 c. 31, **s. 5** ; S.I. 1996/1980, **art. 2**

Modifications etc. (not altering text)

C111 S. 133D excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

General and supplemental

134 Power to alter conditions for entry or retention in, and removal from, register and for grant or revocation of licences.

Regulations may—

(a) alter or add to the conditions as to which the Registrar is required by this Part of this Act to be satisfied for the entry of a name in the register, the retention of a name in the register, the removal of a name from the register, the grant of a licence and the revocation of a licence, or omit any of those conditions,

(b) alter the period at the expiration of which a person's name which is entered or retained in the register after the coming into force of the regulation must, unless retained or further retained, be removed from the register.

Modifications etc. (not altering text)

C112 S. 134 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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135 Power to prescribe form of certificate of registration, etc.

(1) Regulations may prescribe all or any of the following—

(a) a form of certificate for issue to persons whose names are in the register as evidence of their names' being in the register,

(b) a form of badge for use by such persons, and

(c) an official title for such use.

(2) If a person whose name is not in the register—

(a) takes or uses a title prescribed under this section, or

(b) wears or displays a badge or certificate so prescribed, or

(c) takes or uses any name, title, addition or description implying that his name is in the register,

he is guilty of an offence unless he proves that he did not know, and had no reasonable cause to believe, that his name was not in the register at the material time.

(3) If a person carrying on business in the provision of instruction in the driving of motor vehicles—

(a) uses a title or description so prescribed in relation to any person employed by him whose name is not in the register, or

(b) issues any advertisement or invitation calculated to mislead with respect to the extent to which persons whose names are in the register are employed by him,

he is guilty of an offence unless he proves that he did not know, and had no reasonable cause to believe, that the name or names in question were not in the register at the material time.

Modifications etc. (not altering text)
C113 S. 135 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

136 Surrender of certificates and licences.

Where—

(a) the name of a person to whom a certificate prescribed under section 135 of this Act has been issued is removed from the register in pursuance of this Part of this Act, or

(b) a licence granted under this Part of this Act to a person expires or is revoked,

that person must, if so required by the Registrar by notice in writing, surrender the certificate or licence, as the case may be, to the Registrar within the period of fourteen days beginning with that on which the notice is given and, if he fails to do so, he is guilty of an offence.

Modifications etc. (not altering text)
C114 S. 136 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

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137 Production of certificates and licences to constables and authorised persons.

(1) A person to whom a certificate prescribed under section 135 of this Act is issued, or to whom a licence under this Part of this Act is granted, must, on being so required by a constable or any person authorised in writing by the Secretary of State in that behalf, produce the certificate or licence for examination.

(2) Where—

(a) the name of a person is removed from the register, or

(b) a licence granted under this Part of this Act to a person expires or is revoked,

then, if that person fails to satisfy an obligation imposed on him by section 136 of this Act, a constable or a person authorised in writing by the Secretary of State in that behalf may require him to produce any such certificate issued to him or the licence, and upon its being produced may seize it and deliver it to the Registrar.

(3) A person who is required under subsection (1) or (2) above to produce a document and fails to do so is, subject to subsection (4) below, guilty of an offence.

(4) In proceedings against any person for an offence under subsection (3) above, it shall be a defence for him to show that—

(a) within seven days beginning with the day following that on which the production of the document was so required, it was produced—

(i) where the requirement was made by a constable, at a police station specified at the time the production was required by the person required to produce the document,

(ii) where the requirement was made by a person other than a constable, at a place specified at that time by that person, or

(b) the document was produced at that police station or, as the case may be, place as soon as was reasonably practicable, or

(c) it was not reasonably practicable for it to be produced at that police station or, as the case may be, place before the day on which the proceedings were commenced,

and for the purposes of this subsection the laying of the information or, in Scotland, the service of the complaint on the accused shall be treated as the commencement of the proceedings.

Modifications etc. (not altering text)
C115 S. 137 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

138 Offences by corporations.

Where a body corporate is guilty of an offence under this Part of this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

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Modifications etc. (not altering text)
C116 S. 138 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**
C117 S. 138 modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

139 Service of notices.

(1) A notice authorised or required to be given by this Part of this Act to a person may be given by delivering it to him, or by leaving it at his proper address, or by sending it to him by post.

(2) For the purposes of this section and of section 7 of the Interpretation Act 1978 [M46] in its application to this section, the proper address of a person shall be, in the case of a person whose name is included in the register, his address on the register, and in any other case, his usual or last known address.

Modifications etc. (not altering text)
C118 S. 139 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**
C119 S. 139 modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

Marginal Citations
M46 1978 c. 30.

140 Receipts.

Any sums received on account of fees payable by virtue of any provision of this Part of this Act shall be paid into the Consolidated Fund.

Modifications etc. (not altering text)
C120 S. 140 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

141 Regulations.

The Secretary of State may make regulations for any purpose for which provision is by this Part of this Act authorised to be made by regulations, and in this Part of this Act "regulations" means regulations made under this section.

Subordinate Legislation Made
P17 S. 141: s. 125(3)(with ss. 127(2), 132(1)(a)(2)(b), 134 and 141) power exercised by S.I.1991/1129
P18 S. 141: power previously exercised by S.I. 1989/1373, 1989/2057, 1990/1113.

Modifications etc. (not altering text)
C121 S. 141 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

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[F531 141A Meaning of "motor car".

(1) Notwithstanding section 185(1) of this Act, in this Part of this Act "motor car" means a motor vehicle (other than an invalid carriage or motor cycle)—

(a) which is not constructed or adapted to carry more than nine persons inclusive of the driver, and

(b) which has a maximum gross weight not exceeding 3.5 tonnes.

(2) In subsection (1) above "maximum gross weight" has the same meaning as in Part III of this Act.]

Textual Amendments

F531 S. 141A inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, **reg. 2 Sch. 1 para. 29**

Modifications etc. (not altering text)

C122 S. 141A excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

142 Index to Part V.

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Part of this Act listed in the right-hand column in relation to those expressions.

Expression	*Relevant provision*
[F532 Appropriate motor car	Section 125A(8)]
[F533 "Community licence" and "counterpart" in relation thereto	Section 125(10)]
Current licence	Section 123(7)
[F532 Disability, prospective disability and relevant disability	Section 125A(8)]
[F532 Disabled person's limited driving licence	Section 125A(8)]
[F532 Emergency control assessment and emergency control certificate	Section 125A(8)]
[F532 Paid instruction	Section 123(8)]
[F532 Provisional licence	Section 123(8)]
The register	Section 123
[F532 Registered disabled instructor	Section 125A(8)]
The Registrar	Section 125 (2)
Regulations	Section 141

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Textual Amendments

F532 Entries in table in s. 142 inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 8**; S.I. 1996/1980, **art. 2**

F533 Entry in table in s. 142 inserted (1.4.1999) by S.I. 1999/357, **reg. 2(5)**

Modifications etc. (not altering text)

C123 S. 142 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

PART VI

THIRD-PARTY LIABILITIES

Modifications etc. (not altering text)

C124 Pt. VI: power to modify conferred (E.W.) by National Health Service Act 1977 (c. 49, SIF 113:2), **ss. 23(4)**, 27(5) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 18(1)(2)**)

C125 Pt. VI modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

Compulsory insurance or security against third-party risks

143 Users of motor vehicles to be insured or secured against third-party risks.

(1) Subject to the provisions of this Part of this Act—

(a) a person must not use a motor vehicle on a road **[**[F534]or other public place**]** unless there is in force in relation to the use of the vehicle by that person such a policy of insurance or such a security in respect of third party risks as complies with the requirements of this Part of this Act, and

(b) a person must not cause or permit any other person to use a motor vehicle on a road **[**[F535]or other public place**]** unless there is in force in relation to the use of the vehicle by that other person such a policy of insurance or such a security in respect of third party risks as complies with the requirements of this Part of this Act.

(2) If a person acts in contravention of subsection (1) above he is guilty of an offence.

(3) A person charged with using a motor vehicle in contravention of this section shall not be convicted if he proves—

(a) that the vehicle did not belong to him and was not in his possession under a contract of hiring or of loan,

(b) that he was using the vehicle in the course of his employment, and

(c) that he neither knew nor had reason to believe that there was not in force in relation to the vehicle such a policy of insurance or security as is mentioned in subsection (1) above.

(4) This Part of this Act does not apply to invalid carriages.

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Textual Amendments

F534 Words in s. 143(1)(a) inserted (3.4.2000) by S.I. 2000/726, **art. 2(a)**

F535 Words in s. 143(1)(b) inserted (3.4.2000) by S.I. 2000/726, **art. 2(b)**

Modifications etc. (not altering text)

C126 [F550]S. 143 modified by Energy Act 1976 (c. 76, SIF 44:3), s. 4(2), **Sch. 1 para. 4(1)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 17(b)**)

C127 S. 143 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

144 Exceptions from requirement of third-party insurance or security.

(1) Section 143 of this Act does not apply to a vehicle owned by a person who has deposited and keeps deposited with the Accountant General of the Supreme Court the sum of **[**[F536]£500,000**]**, at a time when the vehicle is being driven under the owner's control.

[[F537](1A) The Secretary of State may by order made by statutory instrument substitute a greater sum for the sum for the time being specified in subsection (1) above.

(1B) No order shall be made under subsection (1A) above unless a draft of it has been laid before and approved by resolution of each House of Parliament.**]**

(2) Section 143 does not apply—

(a) to a vehicle owned—

(i) by the council of a county or county district in England and Wales **[**[F538]the Broads Authority**]**, the Common Council of the City of London, the council of a London borough **[**[F539] a National Park authority**]**, the Inner London Education Authority **[**[F540]the London Fire and Emergency Planning Authority,**]**, or a joint authority (other than a police authority) established by Part IV of the [M47]Local Government Act 1985,

(ii) by a **[**[F541]council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in Scotland, or**]**

(iii) by a joint board or committee in England or Wales, or joint committee in Scotland, which is so constituted as to include among its members representatives of any such council,

at a time when the vehicle is being driven under the owner's control,

(b) to a vehicle owned by a police authority **[**[F542]or the Receiver for the Metropolitan Police district**]**, at a time when it is being driven under the owner's control, or to a vehicle at a time when it is being driven for police purposes by or under the direction of a constable, or by a person employed by a police authority, [F542]. . . , or

[[F543](ba) to a vehicle owned by the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad, at a time when it is being driven under the owner's control, or to a vehicle at a time when it is being driven for the purposes of the body maintained by such an Authority by or under the direction of a constable, or by a person employed by such an Authority;**]**

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(c) to a vehicle at a time when it is being driven on a journey to or from any place undertaken for salvage purposes pursuant to Part IX of the **[**F544Merchant Shipping Act 1995**]**,

(d) to the use of a vehicle for the purpose of its being provided in pursuance of a direction under section 166(2)(b) of the M48Army Act 1955 or under the corresponding provision of the M49Air Force Act 1955,

[F545(da) to a vehicle owned by a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990 **[**F546by a Primary Care Trust established under section 16A of the National Health Service Act 1977**][**F547, by a Local Health Board established under section 16BA of that Act**][**F548or by the Commission for Health Improvement**]**, at a time when the vehicle is being driven under the owner's control.

(db) to an ambulance owned by a National Health Service trust established under Part I of the National Health Service and Community Care Act 1990 or the National Health Service (Scotland) Act 1978, at a time when a vehicle is being driven under the owner's control**]**

(e) to a vehicle which is made available by the Secretary of State to any person, body or local authority in pursuance of section 23 or 26 of the M50National Health Service Act 1977 at a time when it is being used in accordance with the terms on which it is so made available,

(f) to a vehicle which is made available by the Secretary of State to any local authority, education authority or voluntary organisation in Scotland in pursuance of section 15 or 16 of the M51National Health Service (Scotland) Act 1978 at a time when it is being used in accordance with the terms on which it is so made available.

Textual Amendments

F536 Words in s. 144(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 20(2)**; S.I. 1992/1286, art. 2, **Sch.**

F537 S. 144(1A)(1B) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 20(3)**; S.I. 1992/1286, art. 2, **Sch.**

F538 Words inserted (E.W) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), **Sch. 6 para. 9** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 36**)

F539 Words in s. 144(2)(a)(i) inserted (23.11.1995) by 1995 c. 25, S. 78, **Sch. 10**, para.29 (with ss. 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2**

F540 Words in s. 144(2)(a)(i) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 54** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(h)**

F541 Words in s. 144(2)(a)(ii) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 159(8)**; S.I. 1996/323, **art. 4**

F542 Words in s. 144(2)(b) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 61, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648,art. 2, Sch.

F543 S. 144(2)(ba) inserted (1.4.1998) by 1997 c. 50, s. 180(1), **Sch. 9 para. 59**; S.I. 1998/354, **art. 2**

F544 Words in s. 144(2)(c) substituted (1.1.1996) by 1995 c. 21, **ss. 314(2)**, 316(2) Sch. 13 para. 85 (with s. 312(1))

F545 S. 144(2)(da)(db) inserted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 60, **Sch. 8 Pt. I para. 4**

F546 Words in s. 144(2)(da) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 23**

F547 Words in s. 144(2)(da) inserted (10.10.2002 for W. and otherwise prosp.) by 2002 c. 17, ss. 6(2), 42(3), **Sch. 5 para. 29**; S.I. 2002/2532, art. 2, **Sch.**

F548 Words in s. 144(2)(da) inserted (E.W.) (1.11.1999) by S.I. 1999/2795, **art. 4**

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Modifications etc. (not altering text)

C128 S. 144 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

C129 S. 144(2)(a) extended by Local Government Act 1985 (c. 51, SIF 81:1) s. 57(7), Sch. 13 para. 20 (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 30**)

S. 144(2)(a) amended (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 6**

C130 S. 144(2)(d) extended (5.7.1994) by 1994 c. 19, s. 39, **Sch. 13 para. 25(d)**

Marginal Citations

M47 1985 c. 51.

M48 1955 c. 18.

M49 1955 c. 19.

M50 1977 c. 49.

M51 1978 c. 29.

VALID FROM 04/02/2011

[F549 144A Offence of keeping vehicle which does not meet insurance requirements

(1) If a motor vehicle registered under the Vehicle Excise and Registration Act 1994 does not meet the insurance requirements, the person in whose name the vehicle is registered is guilty of an offence.

(2) For the purposes of this section a vehicle meets the insurance requirements if—

(a) it is covered by a such a policy of insurance or such a security in respect of third party risks as complies with the requirements of this Part of this Act, and

(b) either of the following conditions is satisfied.

(3) The first condition is that the policy or security, or the certificate of insurance or security which relates to it, identifies the vehicle by its registration mark as a vehicle which is covered by the policy or security.

(4) The second condition is that the vehicle is covered by the policy or security because—

(a) the policy or security covers any vehicle, or any vehicle of a particular description, the owner of which is a person named in the policy or security or in the certificate of insurance or security which relates to it, and

(b) the vehicle is owned by that person.

(5) For the purposes of this section a vehicle is covered by a policy of insurance or security if the policy of insurance or security is in force in relation to the use of the vehicle.

Textual Amendments

F549 Ss. 144A-144D inserted (prosp.) by Road Safety Act 2006 (c. 49), **ss. 22(1)**, 61

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VALID FROM 04/02/2011

F550[144B Exceptions to section 144A offence

(1) A person ("the registered keeper") in whose name a vehicle which does not meet the insurance requirements is registered at any particular time (" the relevant time ") does not commit an offence under section 144A of this Act at that time if any of the following conditions are satisfied.

(2) The first condition is that at the relevant time the vehicle is owned as described—

(a) in subsection (1) of section 144 of this Act, or

(b) in paragraph (a), (b), (da), (db), (dc) or (g) of subsection (2) of that section,

(whether or not at the relevant time it is being driven as described in that provision).

(3) The second condition is that at the relevant time the vehicle is owned with the intention that it should be used as described in paragraph (c), (d), (e) or (f) of section 144(2) of this Act.

(4) The third condition is that the registered keeper—

(a) is not at the relevant time the person keeping the vehicle, and

(b) if previously he was the person keeping the vehicle, he has by the relevant time complied with any requirements under subsection (7)(a) below that he is required to have complied with by the relevant or any earlier time.

(5) The fourth condition is that—

(a) the registered keeper is at the relevant time the person keeping the vehicle,

(b) at the relevant time the vehicle is not used on a road or other public place, and

(c) the registered keeper has by the relevant time complied with any requirements under subsection (7)(a) below that he is required to have complied with by the relevant or any earlier time.

(6) The fifth condition is that—

(a) the vehicle has been stolen before the relevant time,

(b) the vehicle has not been recovered by the relevant time, and

(c) any requirements under subsection (7)(b) below that, in connection with the theft, are required to have been complied with by the relevant or any earlier time have been complied with by the relevant time.

F551[(6A) The sixth condition is that—

(a) the registered keeper is at the relevant time the person keeping the vehicle,

(b) neither a licence nor a nil licence under the Vehicle Excise and Registration Act 1994 was in force for the vehicle on 31st January 1998,

(c) neither a licence nor a nil licence has been taken out for the vehicle for a period starting after that date, and

(d) the vehicle has not been used or kept on a public road after that date.]

(7) Regulations may make provision—

(a) for the purposes of subsection (4)(b) and (5)(c) above, requiring a person in whose name a vehicle is registered to furnish such particulars and make such declarations as may be prescribed, and to do so at such times and in such manner as may be prescribed, and

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(b) for the purposes of subsection (6)(c) above, as to the persons to whom, the times at which and the manner in which the theft of a vehicle is to be notified.

(8) Regulations may make provision amending this section for the purpose of providing for further exceptions to section 144A of this Act (or varying or revoking any such further exceptions).

(9) A person accused of an offence under section 144A of this Act is not entitled to the benefit of an exception conferred by or under this section unless evidence is adduced that is sufficient to raise an issue with respect to that exception; but where evidence is so adduced it is for the prosecution to prove beyond reasonable doubt that the exception does not apply.**]**

Textual Amendments

F550 Ss. 144A-144D inserted (4.2.2011) by Road Safety Act 2006 (c. 49), **ss. 22(1)**, 61(1)(10) (with s. 61(3)); S.I. 2011/19, art. 2(a)

F551 S. 144B(6A) inserted (4.2.2011) by The Motor Vehicles (Insurance Requirements) Regulations 2011 (S.I. 2011/20), regs. 1(1), **5**

VALID FROM 04/02/2011

144C Fixed penalty notices

(1) Where on any occasion the Secretary of State has reason to believe that a person has committed an offence under section 144A of this Act, the Secretary of State may give the person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the Secretary of State.

(2) Where a person is given a notice under this section in respect of an offence under section 144A of this Act—

(a) no proceedings may be instituted for that offence before the end of the period of 21 days following the date of the notice, and

(b) he may not be convicted of that offence if he pays the fixed penalty before the end of that period.

(3) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.

(4) A notice under this section must also state—

(a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence,

(b) the amount of the fixed penalty, and

(c) the person to whom and the address at which the fixed penalty may be paid.

(5) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (4)(c) above at the address so mentioned.

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(6) Where a letter is sent in accordance with subsection (5) above payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) Regulations may make provision as to any matter incidental to the operation of this section, and in particular—

(a) as to the form of a notice under this section,

(b) as to the information to be provided in such a notice by virtue of this section, and

(c) as to any further information to be provided in a such notice.

(8) The fixed penalty payable under this section is, subject to subsection (9) below, £100.

(9) Regulations may substitute a different amount for the amount for the time being specified in subsection (8) above.

(10) Regulations may make provision for treating a fixed penalty payable under this section as having been paid if a lesser amount is paid before the end of a prescribed period.

(11) In any proceedings a certificate which—

(a) purports to be signed by or on behalf of the Secretary of State, and

(b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

Textual Amendments

F549 Ss. 144A-144D inserted (prosp.) by Road Safety Act 2006 (c. 49), **ss. 22(1)**, 61

VALID FROM 04/02/2011

144D Section 144A offence: supplementary

(1) Schedule 2A makes provision about the immobilisation of vehicles as regards which it appears that an offence under section 144A of this Act is being committed and about their removal and disposal.

(2) A person authorised by the Secretary of State for the purposes of this subsection may on behalf of the Secretary of State conduct and appear in any proceedings by or against the Secretary of State in connection with the enforcement of an offence under section 144A of this Act or under regulations made under section 160 of this Act by virtue of Schedule 2A to this Act—

(a) in England and Wales, in a magistrates' court, and

(b) in Scotland, in any court other than the High Court of Justiciary or the Court of Session.**]**

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Textual Amendments

F549 Ss. 144A-144D inserted (prosp.) by Road Safety Act 2006 (c. 49), **ss. 22(1)**, 61

145 Requirements in respect of policies of insurance.

(1) In order to comply with the requirements of this Part of this Act, a policy of insurance must satisfy the following conditions.

(2) The policy must be issued by an authorised insurer.

(3) Subject to subsection (4) below, the policy—

(a) must insure such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person or damage to property caused by, or arising out of, the use of the vehicle on a road **[**F552or other public place**]** in Great Britain, and

[F553(aa) must, in the case of a vehicle normally based in the territory of another member State, insure him or them in respect of any civil liability which may be incurred by him or them as a result of an event related to the use of the vehicle in Great Britain if,—

(i) according to the law of that territory, he or they would be required to be insured in respect of a civil liability which would arise under that law as a result of that event if the place where the vehicle was used when the event occurred were in that territory, and

(ii) the cover required by that law would be higher than that required by paragraph (a) above, and**]**

(b) must **[**F554 in the case of a vehicle normally based in Great Britain**]** insure him or them in respect of any liability which may be incurred by him or them in respect of the use of the vehicle and of any trailer, whether or not coupled, in the territory other than Great Britain and Gibraltar of each of the member States of the Communities according to

[F555(i) the law on compulsory insurance against civil liability in respect of the use of vehicles of the State in whose territory the event giving rise to the liability occurred; or

(ii) if it would give higher cover, the law which would be applicable under this Part of this Act if the place where the vehicle was used when that event occurred were in Great Britain; and**]**

(c) must also insure him or them in respect of any liability which may be incurred by him or them under the provisions of this Part of this Act relating to payment for emergency treatment.

(4) The policy shall not, by virtue of subsection (3)(a) above, be required—

(a) to cover liability in respect of the death, arising out of and in the course of his employment, of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment, or

(b) to provide insurance of more than £250,000 in respect of all such liabilities as may be incurred in respect of damage to property caused by, or arising out of, any one accident involving the vehicle, or

(c) to cover liability in respect of damage to the vehicle, or

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(d) to cover liability in respect of damage to goods carried for hire or reward in or on the vehicle or in or on any trailer (whether or not coupled) drawn by the vehicle, or

(e) to cover any liability of a person in respect of damage to property in his custody or under his control, or

(f) to cover any contractual liability.

[[F556](4A) In the case of a person—

(a) carried in or upon a vehicle, or

(b) entering or getting on to, or alighting from, a vehicle,

the provisions of paragraph (a) of subsection (4) above do not apply unless cover in respect of the liability referred to in that paragraph is in fact provided pursuant to a requirement of the [M52]Employers' Liability (Compulsory Insurance) Act 1969.**]**

[[F557](5) "Authorised insurer" has the same meaning as in section 95.**]**

(6) If any person or body of persons ceases to be a member of the Motor Insurers' Bureau, that person or body shall not by virtue of that cease to be treated as an authorised insurer for the purposes of this Part of this Act **[**[F558]or the Road Traffic (NHS Charges) Act 1999**]**—

(a) in relation to any policy issued by the insurer before ceasing to be such a member, or

(b) in relation to any obligation (whether arising before or after the insurer ceased to be such a member) which the insurer may be called upon to meet under or in consequence of any such policy or under section 157 of this Act **[**[F559]or section 1 of the Act of 1999**]** by virtue of making a payment in pursuance of such an obligation.

Textual Amendments

F552 Words in s. 145(3)(a) inserted (3.4.2000) by S.I. 2000/726, **art. 2(3)**

F553 S. 145(3)(aa) inserted (31.12.1992) by S.I. 1992/3036, **reg. 2(1)**.

F554 Words in s. 145(3)(b) inserted (31.12.1992) by S.I. 1992/3036, **reg. 2(2)**

F555 Words in s. 145(3)(b) substituted (31.12.1992) by S.I. 1992/3036, **reg. 2(2)**.

F556 S. 145(4A) inserted (31.12.1992) by S.I. 1992/3036, **reg. 2(3)**.

F557 S. 145(5) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 313

F558 Words in s. 145(6) inserted (5.4.1999) by 1999 c. 3, **s. 18(1)(a)**; S.I. 1999/1075, **art. 2**

F559 Words in s. 145(6)(b) inserted (5.4.1999) by 1999 c. 3, **s. 18(1)(b)**; S.I. 1999/1075, **art. 2**

Modifications etc. (not altering text)

C131 S. 145 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

C132 S. 145(2) excluded by virtue of S.I. 1973/2143, **reg. 8** (as amended by S.I. 1974/791, **reg. 6**); 1988 c. 54, **s. 2**

Marginal Citations

M52 1969 c. 57

146 Requirements in respect of securities.

(1) In order to comply with the requirements of this Part of this Act, a security must satisfy the following conditions.

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(2) The security must be given either by an authorised insurer or by some body of persons which carries on in the United Kingdom the business of giving securities of a like kind and has deposited and keeps deposited with the Accountant General of the Supreme Court the sum of £15,000 in respect of that business.

(3) Subject to subsection (4) below, the security must consist of an undertaking by the giver of the security to make good, subject to any conditions specified in it, any failure by the owner of the vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any liability which may be incurred by him or them, being a liability required under section 145 of this Act to be covered by a policy of insurance.

(4) In the case of liabilities arising out of the use of a motor vehicle on a road **[**[F560]or other public place**]** in Great Britain the amount secured need not exceed—

(a) in the case of an undertaking relating to the use of public service vehicles (within the meaning of the [M53]Public Passenger Vehicles Act 1981), £25,000,

(b) in any other case, £5,000.

Textual Amendments

F560 Words in s. 146(4) inserted (3.4.2000) by S.I. 2000/726, **art. 2(4)**

Modifications etc. (not altering text)

C133 S. 146 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Marginal Citations

M53 1981 c. 14.

147 Issue and surrender of certificates of insurance and of security.

(1) A policy of insurance shall be of no effect for the purposes of this Part of this Act unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Part of this Act referred to as a "certificate of insurance") in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed.

(2) A security shall be of no effect for the purposes of this Part of this Act unless and until there is delivered by the person giving the security to the person to whom it is given a certificate (in this Part of this Act referred to as a "certificate of security") in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed.

(3) Different forms and different particulars may be prescribed for the purposes of subsection (1) or (2) above in relation to different cases or circumstances.

(4) Where a certificate has been delivered under this section and the policy or security to which it relates is cancelled by mutual consent or by virtue of any provision in the policy or security, the person to whom the certificate was delivered must, within seven days from the taking effect of the cancellation—

(a) surrender the certificate to the person by whom the policy was issued or the security was given, or

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(b) if the certificate has been lost or destroyed, make a statutory declaration to that effect.

(5) A person who fails to comply with subsection (4) above is guilty of an offence.

Modifications etc. (not altering text)
C134 S. 147 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

148 Avoidance of certain exceptions to policies or securities.

(1) Where a certificate of insurance or certificate of security has been delivered under section 147 of this Act to the person by whom a policy has been effected or to whom a security has been given, so much of the policy or security as purports to restrict—

(a) the insurance of the persons insured by the policy, or

(b) the operation of the security,

(as the case may be) by reference to any of the matters mentioned in subsection (2) below shall, as respects such liabilities as are required to be covered by a policy under section 145 of this Act, be of no effect.

(2) Those matters are—

(a) the age or physical or mental condition of persons driving the vehicle,

(b) the condition of the vehicle,

(c) the number of persons that the vehicle carries,

(d) the weight or physical characteristics of the goods that the vehicle carries,

(e) the time at which or the areas within which the vehicle is used,

(f) the horsepower or cylinder capacity or value of the vehicle,

(g) the carrying on the vehicle of any particular apparatus, or

(h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under **[**[F561]the Vehicle Excise and Registration Act 1994**]**.

(3) Nothing in subsection (1) above requires an insurer or the giver of a security to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability.

(4) Any sum paid by an insurer or the giver of a security in or towards the discharge of any liability of any person which is covered by the policy or security by virtue only of subsection (1) above is recoverable by the insurer or giver of the security from that person.

(5) A condition in a policy or security issued or given for the purposes of this Part of this Act providing—

(a) that no liability shall arise under the policy or security, or

(b) that any liability so arising shall cease,

in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security, shall be of no effect in connection with such liabilities as are required to be covered by a policy under section 145 of this Act.

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(6) Nothing in subsection (5) above shall be taken to render void any provision in a policy or security requiring the person insured or secured to pay to the insurer or the giver of the security any sums which the latter may have become liable to pay under the policy or security and which have been applied to the satisfaction of the claims of third parties.

(7) Notwithstanding anything in any enactment, a person issuing a policy of insurance under section 145 of this Act shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

Textual Amendments

F561 Words in 148(2)(h) substituted (1.9.1994) by 1994 C. 22, ss. 63, 66, Sch. 3 para. 24(1) (with s. 57(4))

Modifications etc. (not altering text)

C135 S. 148 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

149 Avoidance of certain agreements as to liability towards passengers.

(1) This section applies where a person uses a motor vehicle in circumstances such that under section 143 of this Act there is required to be in force in relation to his use of it such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of this Part of this Act.

(2) If any other person is carried in or upon the vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held—

(a) to negative or restrict any such liability of the user in respect of persons carried in or upon the vehicle as is required by section 145 of this Act to be covered by a policy of insurance, or

(b) to impose any conditions with respect to the enforcement of any such liability of the user.

(3) The fact that a person so carried has willingly accepted as his the risk of negligence on the part of the user shall not be treated as negativing any such liability of the user.

(4) For the purposes of this section—

(a) references to a person being carried in or upon a vehicle include references to a person entering or getting on to, or alighting from, the vehicle, and

(b) the reference to an antecedent agreement is to one made at any time before the liability arose.

Modifications etc. (not altering text)

C136 S. 149 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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150 Insurance or security in respect of private use of vehicle to cover use under car-sharing arrangements.

(1) To the extent that a policy or security issued or given for the purposes of this Part of this Act—

(a) restricts the insurance of the persons insured by the policy or the operation of the security (as the case may be) to use of the vehicle for specified purposes (for example, social, domestic and pleasure purposes) of a non-commercial character, or

(b) excludes from that insurance or the operation of the security (as the case may be)—

(i) use of the vehicle for hire or reward, or

(ii) business or commercial use of the vehicle, or

(iii) use of the vehicle for specified purposes of a business or commercial character,

then, for the purposes of that policy or security so far as it relates to such liabilities as are required to be covered by a policy under section 145 of this Act, the use of a vehicle on a journey in the course of which one or more passengers are carried at separate fares shall, if the conditions specified in subsection (2) below are satisfied, be treated as falling within that restriction or as not falling within that exclusion (as the case may be).

(2) The conditions referred to in subsection (1) above are—

(a) the vehicle is not adapted to carry more than eight passengers and is not a motor cycle,

(b) the fare or aggregate of the fares paid in respect of the journey does not exceed the amount of the running costs of the vehicle for the journey (which for the purposes of this paragraph shall be taken to include an appropriate amount in respect of depreciation and general wear), and

(c) the arrangements for the payment of fares by the passenger or passengers carried at separate fares were made before the journey began.

(3) Subsections (1) and (2) above apply however the restrictions or exclusions described in subsection (1) are framed or worded.

(4) In subsections (1) and (2) above "fare" and "separate fares" have the same meaning as in section 1(4) of the [M54]Public Passenger Vehicles Act 1981.

Modifications etc. (not altering text)
C137 S. 150 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Marginal Citations
M54 1981 c. 14.

151 Duty of insurers or persons giving security to satisfy judgment against persons insured or secured against third-party risks.

(1) This section applies where, after a certificate of insurance or certificate of security has been delivered under section 147 of this Act to the person by whom a policy has been

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effected or to whom a security has been given, a judgment to which this subsection applies is obtained.

(2) Subsection (1) above applies to judgments relating to a liability with respect to any matter where liability with respect to that matter is required to be covered by a policy of insurance under section 145 of this Act and either—

(a) it is a liability covered by the terms of the policy or security to which the certificate relates, and the judgment is obtained against any person who is insured by the policy or whose liability is covered by the security, as the case may be, or

(b) it is a liability, other than an excluded liability, which would be so covered if the policy insured all persons or, as the case may be, the security covered the liability of all persons, and the judgment is obtained against any person other than one who is insured by the policy or, as the case may be, whose liability is covered by the security.

(3) In deciding for the purposes of subsection (2) above whether a liability is or would be covered by the terms of a policy or security, so much of the policy or security as purports to restrict, as the case may be, the insurance of the persons insured by the policy or the operation of the security by reference to the holding by the driver of the vehicle of a licence authorising him to drive it shall be treated as of no effect.

(4) In subsection (2)(b) above "excluded liability" means a liability in respect of the death of, or bodily injury to, or damage to the property of any person who, at the time of the use which gave rise to the liability, was allowing himself to be carried in or upon the vehicle and knew or had reason to believe that the vehicle had been stolen or unlawfully taken, not being a person who—

(a) did not know and had no reason to believe that the vehicle had been stolen or unlawfully taken until after the commencement of his journey, and

(b) could not reasonably have been expected to have alighted from the vehicle.

In this subsection the reference to a person being carried in or upon a vehicle includes a reference to a person entering or getting on to, or alighting from, the vehicle.

(5) Notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy or security, he must, subject to the provisions of this section, pay to the persons entitled to the benefit of the judgment—

(a) as regards liability in respect of death or bodily injury, any sum payable under the judgment in respect of the liability, together with any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum,

(b) as regards liability in respect of damage to property, any sum required to be paid under subsection (6) below, and

(c) any amount payable in respect of costs.

(6) This subsection requires—

(a) where the total of any amounts paid, payable or likely to be payable under the policy or security in respect of damage to property caused by, or arising out of, the accident in question does not exceed £250,000, the payment of any sum payable under the judgment in respect of the liability, together with any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum,

(b) where that total exceeds £250,000, the payment of either—

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(i) such proportion of any sum payable under the judgment in respect of the liability as £250,000 bears to that total, together with the same proportion of any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum, or

(ii) the difference between the total of any amounts already paid under the policy or security in respect of such damage and £250,000, together with such proportion of any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on any sum payable under the judgment in respect of the liability as the difference bears to that sum,

whichever is the less, unless not less than £250,000 has already been paid under the policy or security in respect of such damage (in which case nothing is payable).

(7) Where an insurer becomes liable under this section to pay an amount in respect of a liability of a person who is insured by a policy or whose liability is covered by a security, he is entitled to recover from that person—

(a) that amount, in a case where he became liable to pay it by virtue only of subsection (3) above, or

(b) in a case where that amount exceeds the amount for which he would, apart from the provisions of this section, be liable under the policy or security in respect of that liability, the excess.

(8) Where an insurer becomes liable under this section to pay an amount in respect of a liability of a person who is not insured by a policy or whose liability is not covered by a security, he is entitled to recover the amount from that person or from any person who—

(a) is insured by the policy, or whose liability is covered by the security, by the terms of which the liability would be covered if the policy insured all persons or, as the case may be, the security covered the liability of all persons, and

(b) caused or permitted the use of the vehicle which gave rise to the liability.

(9) In this section—

(a) "insurer" includes a person giving a security,

F562(b) . . . . . .

(c) "liability covered by the terms of the policy or security" means a liability which is covered by the policy or security or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy or security.

(10) In the application of this section to Scotland, the words "by virtue of any enactment relating to interest on judgments" in subsections (5) and (6) (in each place where they appear) shall be omitted.

Textual Amendments

F562 S. 151(9)(b) 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.

Modifications etc. (not altering text)

C138 S. 151 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

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152 Exceptions to section 151.

(1) No sum is payable by an insurer under section 151 of this Act—

(a) in respect of any judgment unless, before or within seven days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings, or

(b) in respect of any judgment so long as execution on the judgment is stayed pending an appeal, or

(c) in connection with any liability if, before the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability, the policy or security was cancelled by mutual consent or by virtue of any provision contained in it, and also—

(i) before the happening of that event the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made a statutory declaration stating that the certificate had been lost or destroyed, or

(ii) after the happening of that event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy or security, the certificate was surrendered to the insurer, or the person to whom it was delivered made a statutory declaration stating that the certificate had been lost or destroyed, or

(iii) either before or after the happening of that event, but within that period of fourteen days, the insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate.

(2) Subject to subsection (3) below, no sum is payable by an insurer under section 151 of this Act if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration—

(a) that, apart from any provision contained in the policy or security, he is entitled to avoid it on the ground that it was obtained—

(i) by the non-disclosure of a material fact, or

(ii) by a representation of fact which was false in some material particular, or

(b) if he has avoided the policy or security on that ground, that he was entitled so to do apart from any provision contained in it

[[F563]and, for the purposes of this section, "material" means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk and, if so, at what premium and on what conditions.**]**.

(3) An insurer who has obtained such a declaration as is mentioned in subsection (2) above in an action does not by reason of that become entitled to the benefit of that subsection as respects any judgment obtained in proceedings commenced before the commencement of that action unless before, or within seven days after, the commencement of that action he has given notice of it to the person who is the plaintiff (or in Scotland pursuer) in those proceedings specifying the non-disclosure or false representation on which he proposes to rely.

(4) A person to whom notice of such an action is so given is entitled, if he thinks fit, to be made a party to it.

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Textual Amendments

F563 Words in s. 152(2) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 66**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C139 S. 152 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

153 Bankruptcy, etc., of insured or secured persons not to affect claims by third parties.

(1) Where, after a certificate of insurance or certificate of security has been delivered under section 147 of this Act to the person by whom a policy has been effected or to whom a security has been given, any of the events mentioned in subsection (2) below happens, the happening of that event shall, notwithstanding anything in the [M55]Third Parties (Rights Against Insurers) Act 1930, not affect any such liability of that person as is required to be covered by a policy of insurance under section 145 of this Act.

(2) In the case of the person by whom the policy was effected or to whom the security was given, the events referred to in subsection (1) above are—

(a) that he becomes bankrupt or makes a composition or arrangement with his creditors or that his estate is sequestrated or he grants a trust deed for his creditors,

(b) that he dies and—

(i) his estate falls to be administered in accordance with an order under section 421 of the [M56]Insolvency Act 1986,

(ii) an award of sequestration of his estate is made, or

(iii) a judicial factor is appointed to administer his estate under section 11A of the [M57]Judicial Factors (Scotland) Act 1889,

(c) that if that person is a company—

(i) a winding-up order [F564]. . . is made with respect to the company **[**[F565]or the company enters administration**]**,

(ii) a resolution for a voluntary winding-up is passed with respect to the company,

(iii) a receiver or manager of the company's business or undertaking is duly appointed, or

(iv) possession is taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge.

(3) Nothing in subsection (1) above affects any rights conferred by the Third Parties (Rights Against Insurers) Act 1930 on the person to whom the liability was incurred, being rights so conferred against the person by whom the policy was issued or the security was given.

Textual Amendments

F564 Words in s. 153(2)(c)(i) omitted (15.9.2003) by virtue of The Enterprise Act 2002 (Insolvency) Order 2003 (S.I. 2003/2096), art. 4, **Sch. Pt. 1 para. 14** (subject to art. 6)

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F565 Words in s. 153(2)(c)(i) inserted (15.9.2003) by The Enterprise Act 2002 (Insolvency) Order 2003 (S.I. 2003/2096), art. 4, **Sch. Pt. 1 para. 14** (subject to art. 6)

Modifications etc. (not altering text)
C140 S. 153 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Marginal Citations
M55 1930 c. 25.
M56 1986 c. 45.
M57 1889 c. 39.

154 Duty to give information as to insurance or security where claim made.

(1) A person against whom a claim is made in respect of any such liability as is required to be covered by a policy of insurance under section 145 of this Act must, on demand by or on behalf of the person making the claim—

(a) state whether or not, in respect of that liability—

(i) he was insured by a policy having effect for the purposes of this Part of this Act or had in force a security having effect for those purposes, or

(ii) he would have been so insured or would have had in force such a security if the insurer or, as the case may be, the giver of the security had not avoided or cancelled the policy or security, and

(b) if he was or would have been so insured, or had or would have had in force such a security—

(i) give such particulars with respect to that policy or security as were specified in any certificate of insurance or security delivered in respect of that policy or security, as the case may be, under section 147 of this Act, or

(ii) where no such certificate was delivered under that section, give the following particulars, that is to say, the registration mark or other identifying particulars of the vehicle concerned, the number or other identifying particulars of the insurance policy issued in respect of the vehicle, the name of the insurer and the period of the insurance cover.

(2) If without reasonable excuse, a person fails to comply with the provisions of subsection (1) above, or wilfully makes a false statement in reply to any such demand as is referred to in that subsection, he is guilty of an offence.

Modifications etc. (not altering text)
C141 S. 154 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

155 Deposits.

(1) Where a person has deposited a sum with the Accountant General of the Supreme Court under section 144 or 146 of this Act, then, so long as any liabilities incurred by him, being such liabilities as are required to be covered by a policy of insurance under section 145 of this Act, have not been discharged or otherwise provided for, no part of that sum shall be applicable in discharge of any other liabilities incurred by him.

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Any regulations made, or having effect as if made, by **[**F566the Treasury**]** under section 20 of the M58Insurance Companies Act 1958 which apply to deposits made by insurers carrying on motor vehicle insurance business shall, with such necessary modifications and adaptations as, after consultation with the Lord Chancellor, may be prescribed, apply to deposits made with the Accountant General under section 144 or 146 of this Act.

(3) Such provision as might be made by **[**F566the Treasury**]** under section 20 of the Insurance Companies Act 1958 with respect to deposits under that Act may, after consultation with the Lord Chancellor, be made by regulations with respect to deposits made with the Accountant General under section 144 or 146 of this Act.

Textual Amendments

F566 Words in s. 155(2)(3) substituted (5.1.1998) by S.I. 1997/2781, art. 8(1), **Sch. Pt. II para. 115**

Modifications etc. (not altering text)

C142 S. 155 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Marginal Citations

M58 1958 c. 72.

156 Power to require evidence of insurance or security on application for vehicle excise licence.

Provision may be made by regulations under **[**F567section 57 of the Vehicle Excise and RegistrationAct 1994**]** for requiring a person applying for a licence under that Act in respect of a motor vehicle to produce such evidence as may be prescribed that either—

(a) on the date when the licence comes into operation there will be in force the necessary policy of insurance or the necessary security in relation to the use of the vehicle by the applicant or by other persons on his order or with his permission, or

(b) the vehicle is a vehicle to which section 143 of this Act does not apply at a time when it is being driven under the owner's control.

Textual Amendments

F567 Words in s. 156 substituted (1.9.1994) by S.I. 1994 c. 22, ss. 63, 66(2), **Sch. 3 para. 24(5)** (with s. 57(4))

Modifications etc. (not altering text)

C143 S. 156 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Payments for treatment of traffic casualties

157 Payment for hospital treatment of traffic casualties. E+W

(1) Subject to subsection (2) below, where—

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Act 1988 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) a payment, other than a payment under section 158 of this Act, is made (whether or not with an admission of liability) in respect of the death of, or bodily injury to, any person arising out of the use of a motor vehicle on a road or in a place to which the public have a right of access, and

(b) the payment is made—

(i) by an authorised insurer, the payment being made under or in consequence of a policy issued under section 145 of this Act, or

(ii) by the owner of a vehicle in relation to the use of which a security under this Part of this Act is in force, or

(iii) by the owner of a vehicle who has made a deposit under this Part of this Act, and

(c) the person who has so died or been bodily injured has to the knowledge of the insurer or owner, as the case may be, received treatment at a hospital, whether as an in-patient or as an out-patient, in respect of the injury so arising,

the insurer or owner must pay the expenses reasonably incurred by the hospital in affording the treatment, after deducting from the expenses any moneys actually received in payment of a specific charge for the treatment, not being moneys received under any contributory scheme.

(2) The amount to be paid shall not exceed **[**[F568]£2,949.00**]** for each person treated as an in-patient or **[**[F569]£295.00**]** for each person treated as an out-patient.

(3) For the purposes of this section "expenses reasonably incurred" means—

(a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day he is maintained in the hospital representing the average daily cost, for each in-patient, of the maintenance of the hospital and the staff of the hospital and the maintenance and treatment of the in-patients in the hospital, and

(b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.

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

F568 Sum in s. 157(2) substituted (17.4.1995) by S.I. 1995/889, **art. 2**

F569 Sum in s. 157(2) substituted (17.4.1995) by S.I. 1995/889, **art. 2**

Modifications etc. (not altering text)

C144 S. 157 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

157 Payment for hospital treatment of traffic casualties. S

(1) Subject to subsection (2) below, where—

(a) a payment, other than a payment under section 158 of this Act, is made (whether or not with an admission of liability) in respect of the death of, or bodily injury to, any person arising out of the use of a motor vehicle on a road or **[**[F706]in some other public place**]**, and

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(b) the payment is made—

(i) by an authorised insurer, the payment being made under or in consequence of a policy issued under section 145 of this Act, or

(ii) by the owner of a vehicle in relation to the use of which a security under this Part of this Act is in force, or

(iii) by the owner of a vehicle who has made a deposit under this Part of this Act, and

(c) the person who has so died or been bodily injured has to the knowledge of the insurer or owner, as the case may be, received treatment at a hospital, whether as an in-patient or as an out-patient, in respect of the injury so arising,

the insurer or owner must pay the expenses reasonably incurred by the hospital in affording the treatment, after deducting from the expenses any moneys actually received in payment of a specific charge for the treatment, not being moneys received under any contributory scheme.

(2) The amount to be paid shall not exceed **[**[F707]£2,949.00**]** for each person treated as an in-patient or **[**[F708]£295.00**]** for each person treated as an out-patient.

(3) For the purposes of this section "expenses reasonably incurred" means—

(a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day he is maintained in the hospital representing the average daily cost, for each in-patient, of the maintenance of the hospital and the staff of the hospital and the maintenance and treatment of the in-patients in the hospital, and

(b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.

Extent Information

E6 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F706 Words in s. 157(1)(a) substituted (S.) (13.5.2002) by 2002 asp 5, **s. 20(1)**; S.S.I. 2002/170, **art. 2(2)**

F707 Sum in s. 157(2) substituted (17.4.1995) by S.I. 1995/889, **art. 2**

F708 Sum in s. 157(2) substituted (17.4.1995) by S.I. 1995/889, **art. 2**

Modifications etc. (not altering text)

C181 S. 157 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

158 Payment for emergency treatment of traffic casualties. E+W

(1) Subsection (2) below applies where—

(a) medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to a person caused by, or arising out of, the use of a motor vehicle on a road, and

(b) the treatment or examination so required (in this Part of this Act referred to as "emergency treatment") is effected by a legally qualified medical practitioner.

(2) The person who was using the vehicle at the time of the event out of which the bodily injury arose must, on a claim being made in accordance with the provisions

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of section 159 of this Act, pay to the practitioner (or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected) —

(a) a fee of **[**F570£21.30**]** in respect of each person in whose case the emergency treatment is effected by him, and

(b) a sum, in respect of any distance in excess of two miles which he must cover in order—

(i) to proceed from the place from which he is summoned to the place where the emergency treatment is carried out by him, and

(ii) to return to the first mentioned place,

equal to **[**F57141 pence**]** for every complete mile and additional part of a mile of that distance.

(3) Where emergency treatment is first effected in a hospital, the provisions of subsections (1) and (2) above with respect to payment of a fee shall, so far as applicable, but subject (as regards the recipient of a payment) to the provisions of section 159 of this Act, have effect with the substitution of references to the hospital for references to a legally qualified medical practitioner.

(4) Liability incurred under this section by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

Extent Information

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

Textual Amendments

F570 Words in s. 158(2)(a) substituted (17.4.1995) by S.I. 1995/889, **art. 3**

F571 Words in s. 158(2)(b) substituted (17.4.1995) by S.I. 1995/889, **art. 3**

Modifications etc. (not altering text)

C145 S. 158 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

158 Payment for emergency treatment of traffic casualties. S

(1) Subsection (2) below applies where—

(a) medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to a person caused by, or arising out of, the use of a motor vehicle on a road **[**F709or in some other public place**]**, and

(b) the treatment or examination so required (in this Part of this Act referred to as "emergency treatment") is effected by a legally qualified medical practitioner.

(2) The person who was using the vehicle at the time of the event out of which the bodily injury arose must, on a claim being made in accordance with the provisions of section 159 of this Act, pay to the practitioner (or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected) —

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(a) a fee of **[**[F710]£21.30**]** in respect of each person in whose case the emergency treatment is effected by him, and

(b) a sum, in respect of any distance in excess of two miles which he must cover in order—

(i) to proceed from the place from which he is summoned to the place where the emergency treatment is carried out by him, and

(ii) to return to the first mentioned place,

equal to **[**[F711]41 pence**]** for every complete mile and additional part of a mile of that distance.

(3) Where emergency treatment is first effected in a hospital, the provisions of subsections (1) and (2) above with respect to payment of a fee shall, so far as applicable, but subject (as regards the recipient of a payment) to the provisions of section 159 of this Act, have effect with the substitution of references to the hospital for references to a legally qualified medical practitioner.

(4) Liability incurred under this section by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

Extent Information

E7 This version of this provision extends to Scotland only; a separate version extends to England and Wales only

Textual Amendments

F709 Words in s. 158(1)(a) inserted (13.5.2002) by 2002 asp 5, **s. 20(2)**; S.S.I. 2002/170, **art. 2(2)**

F710 Words in s. 158(2)(a) substituted (17.4.1995) by S.I. 1995/889, **art. 3**

F711 Words in s. 158(2)(b) substituted (17.4.1995) by S.I. 1995/889, **art. 3**

Modifications etc. (not altering text)

C182 S. 158 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

159 Supplementary provisions as to payments for treatment.

(1) A payment falling to be made under section 157 or 158 of this Act in respect of treatment in a hospital must be made **[**[F572]to the hospital**]**

(2) A claim for a payment under section 158 of this Act may be made at the time when the emergency treatment is effected, by oral request to the person who was using the vehicle, and if not so made must be made by request in writing served on him within seven days from the day on which the emergency treatment was effected.

(3) Any such request in writing—

(a) must be signed by the claimant or, in the case of a hospital, by an executive officer of **[**[F573]the hospital claiming the payment**]**.

(b) must state the name and address of the claimant, the circumstances in which the emergency treatment was effected, and that it was first effected by the claimant or, in the case of a hospital, in the hospital, and

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(c) may be served by delivering it to the person who was using the vehicle or by sending it in a prepaid registered letter, or the recorded delivery service, addressed to him at his usual or last known address.

(4) A payment made under section 158 of this Act shall operate as a discharge, to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital concerned of or for effecting the emergency treatment.

(5) A chief officer of police must, if so requested by a person who alleges that he is entitled to claim a payment under section 158 of this Act, provide that person with any information at the disposal of the chief officer—

(a) as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose, and

(b) as to the identity and address of the person who was using the vehicle at the time of the event out of which it arose.

Textual Amendments

F572 Words in s. 159(1) substituted (5.4.1999) for s. 159(1)(a)-(c) by 1999 c. 3, **s. 18(2)(a)**; S.I. 1999/1075, **art. 2**

F573 It is provided that words in s. 159(3)(a) substituted (5.4.1999) by 1999 c. 3, **s. 18(2)(b)**; S.I. 1999/1075, **art. 2**

Modifications etc. (not altering text)

C146 S. 159: transfer of functions (1.7.1999) by S.I. 1999/672, arts. 1, 2, **Sch. 1**
S. 159 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

General

VALID FROM 04/02/2011

[F574 159A Disclosure of information

(1) Regulations may make provision for and in connection with requiring MIIC to make information available to any prescribed person for the purposes of the exercise of any of that person's functions in connection with the enforcement of an offence under this Part of this Act or under regulations made under section 160 of this Act.

(2) In this section—

"MIIC" means the Motor Insurers' Information Centre (a company limited by guarantee and incorporated under the Companies Act 1985 on 8th December 1998), and

"information" means information held in any form.**]**

Textual Amendments

F574 S. 159A inserted (prosp.) by Road Safety Act 2006 (c. 49), **ss. 22(2)**, 61

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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160 Regulations.

(1) The Secretary of State may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act and generally for the purpose of carrying this Part of this Act into effect.

In this Part of this Act "regulations" means regulations under this section and "prescribed" means prescribed by regulations.

(2) In particular, but without prejudice to the generality of subsection (1) above, the regulations may make provision—

(a) as to forms to be used for the purposes of this Part of this Act,

(b) as to applications for and the issue of certificates of insurance and certificates of security and any other documents which may be prescribed, and as to the keeping of records of documents and the providing of particulars of them or the giving of information with respect to them to the Secretary of State or a chief officer of police,

(c) as to the issue of copies of any such certificates or other documents which are lost or destroyed,

(d) as to the custody, production, cancellation and surrender of any such certificates or other documents, and

(e) for providing that any provisions of this Part of this Act shall, in relation to vehicles brought into Great Britain by persons making only a temporary stay in Great Britain, have effect subject to such modifications and adaptations as may be prescribed.

Modifications etc. (not altering text)
C147 S. 160 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

161 Interpretation.

(1) In this Part of this Act—

[[F575]"hospital" means any institution which provides medical or surgical treatment for in-patients, other than—

(a) a health service hospital within the meaning of the [M59]National Health Service Act 1977 or the [M60]National Health Service (Scotland) Act 1978,

(b) one which is a military hospital for the purposes of section 15 of the Road Traffic (NHS Charges) Act 1999, or

(c) any institution carried on for profit,**]**

"policy of insurance" includes a covering note,

"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, and

"under the owner's control" means, in relation to a vehicle, that it is being driven by the owner or by a servant of the owner in the course of his employment or is otherwise subject to the control of the owner.

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(2) In any provision of this Part of this Act relating to the surrender, or the loss or destruction, of a certificate of insurance or certificate of security, references to such a certificate—

(a) shall, in relation to policies or securities under which more than one certificate is issued, be construed as references to all certificates, and

(b) shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

(3) In this Part of this Act, any reference to an accident includes a reference to two or more causally related accidents.

Textual Amendments

F575 Definition of "hospital" in s. 161(1) substituted (5.4.1999) by 1999 c. 3, **s. 18(3)**; S.I. 1999/1075, **art. 2**

Modifications etc. (not altering text)

C148 S. 161 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Marginal Citations

M59 1977 c. 49.

M60 1978 c. 29.

162 Index to Part VI.

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Part of this Act listed in the right-hand column in relation to those expressions.

Expression	*Relevant provision*
Accident	Section 161(3)
[F576Authorised insurer	Section 145(5)**]**
Certificate of insurance	Sections 147(1) and 161(2)
Certificate of security	Sections 147(2) and 161(2)
Hospital	Section 161(1)
Policy of insurance	Section 161(1)
Prescribed	Section 160(1)
Regulations	Section 160(1)
Salvage	Section 161(1)
Under the owner's control	Section 161(1)

Textual Amendments

F576 Entry in s. 162 substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 314

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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Modifications etc. (not altering text)
C149 S. 162 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

PART VII

MISCELLANEOUS AND GENERAL

Modifications etc. (not altering text)
C150 Pt. VII modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

VALID FROM 24/09/2007

[F577 Requirement for approval of persons to assist at tests

Textual Amendments
F577 S. 162A and cross-heading inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 43**, 61; S.I. 2007/2472, **art. 2(m)**

162A Approved test assistants

(1) The Secretary of State may make regulations permitting any person wishing to be accompanied at a relevant test by another person (a "test assistant") to be so accompanied if—

(a) he submits himself for the relevant test in any circumstances in which the Secretary of State considers it appropriate that he should be entitled to be so accompanied, and

(b) the test assistant is approved in accordance with regulations under this section to accompany people at relevant tests in such circumstances in order to assist them in undergoing the relevant tests.

(2) The circumstances in which the Secretary of State considers it appropriate that a person should be entitled to be accompanied by a test assistant at a relevant test may include, for example, circumstances in which he is likely to have difficulty in hearing, understanding or responding to instructions or questions in the course of the relevant test without assistance.

(3) The regulations may make provision in relation to the approval of test assistants and may, in particular, include provision—

(a) in relation to the making of applications for approval,

(b) for the payment in respect of applications for approval, or of approvals, (or both) of fees of such amounts as are prescribed,

(c) in relation to the period for which an approval is to have effect and withdrawing approval,

(d) authorising the imposition of conditions on an approval,

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(e) for an appeal to lie to the Transport Tribunal against a refusal of an application for approval, the imposition of conditions on an approval or the withdrawal of approval,

(f) prescribing circumstances in which an approved test assistant may not act as such,

(g) as to the evidencing by persons of their status as approved test assistants, and

(h) authorising the Secretary of State to make available (with or without charge) information about approved test assistants.

(4) The regulations may make different provision in relation to different cases.

(5) The following are relevant tests—

(a) tests of competence to drive a motor vehicle prescribed by virtue of section 89(3) of this Act or section 36(5) of the Road Traffic Offenders Act 1988,

(b) examinations of ability and fitness (or continued ability and fitness) to give driving instruction for which provision is made by virtue of section 132 of this Act, and

(c) emergency control assessments under section 133A of this Act.**]**

Powers of constables and other authorised persons

163 Power of police to stop vehicles.

(1) A person driving a **[**[F578]mechanically propelled vehicle**]** on a road must stop the vehicle on being required to do so by a constable in uniform.

(2) A person riding a cycle on a road must stop the cycle on being required to do so by a constable in uniform.

(3) If a person fails to comply with this section he is guilty of an offence.

[[F579](4) A constable in uniform may arrest a person without warrant if he has reasonable cause to suspect that the person has committed an offence under this section.**]**

Textual Amendments

F578 Words in s. 163(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 67**; S.I. 1992/1286, art. 2, **Sch.**

F579 S. 163(4) inserted (1.10.2002) by 2002 c. 30, **s. 49(1)(3)**; S.I. 2002/2306, **art. 2(d)(iv)**

Modifications etc. (not altering text)

C151 S. 163: power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(c)(ii)(3)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(b)(7)(a)**)

164 Power of constables to require production of driving licence and in certain cases statement of date of birth.

(1) Any of the following persons—

(a) a person driving a motor vehicle on a road,

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(b) a person whom a constable **[**F580or vehicle examiner**]** has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road,

(c) a person whom a constable **[**F580or vehicle examiner**]** has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road, or

(d) a person—

(i) who supervises the holder of a provisional licence while the holder is driving a motor vehicle on a road, or

(ii) whom a constable **[**F580or vehicle examiner**]** has reasonable cause to believe was supervising the holder of a provisional licence while driving, at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the holder of the provisional licence in relation to the use of the vehicle on a road,

must, on being so required by a constable **[**F580or vehicle examiner**]**, produce his licence **[**F581and its counterpart**]** for examination, so as to enable the constable **[**F580or vehicle examiner**]** to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which **[**F582they were**]** issued.

(2) **[**F583A person required by a constable under subsection (1) above to produce his licence**]** must in prescribed circumstances, on being so required by the constable, state his date of birth.

(3) If—

[F584(a) the Secretary of State has—

(i) revoked a licence under section **[**F58592,**]** 93 or 99 of this Act, or

(ii) revoked or suspended a large goods vehicle driver's licence or a passenger-carrying vehicle driver's licence under section 115 of this Act, and**][**F586or

(iii) served notice requiring the delivery of a licence to him in pursuance of section 99C or 115A of this Act,**]**

(b) the holder of the licence fails to deliver it **[**F587and its counterpart**]** to the Secretary of State **[**F588or the traffic commissioner, as the case may be**]** in pursuance of **[**F589section **[**F585 92,**]** 93, 99 **[**F59099C, 115A or 118**]** (as the case may be)**]**,

a constable **[**F591or vehicle examiner**]** may require him to **[**F592produce the licence and its counterpart**]**, and upon **[**F592their**]** being produced may seize **[**F593them**]** and deliver **[**F593them**]** to the Secretary of State.

(4) Where a constable has reasonable cause to believe that the holder of a licence, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the licence, the constable may require the holder of the licence to produce it **[**F594and its counterpart**]** to him.

[F595(4A) Where a constable to whom a provisional licence has been produced by a person driving a motor bicycle has reasonable cause to believe that the holder was not driving it as part of the training being provided on a training course for motor cyclists, the constable may require him to produce the prescribed certificate of completion of a training course for motor cyclists.**]**

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(5) Where a person has been required under **[**F596section 26 or 27 of the Road Traffic Offenders Act 1988 **[**F597section 40B of the Child Support Act 1991**]****[**F598, section 40 of the Crime (Sentences) Act 1997, section 146 or 147 of the Powers of Criminal Courts (Sentencing) Act 2000**]** or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975**]** to produce a licence **[**F599and its counterpart**]** to the court and fails to do so, a constable may require him to produce **[**F600them**]** and, upon **[**F600their**]** being produced, may seize **[**F600them**]** and deliver **[**F600them**]** to the court.

(6) If a person required under the preceding provisions of this section to produce a licence **[**F601and its counterpart**]** or state his date of birth **[**F602or to produce his certificate of completion of a training course for motor cyclists**]**. . . fails to do so he is, subject to subsections (7) **[**F603to (8A)**]** below, guilty of an offence.

(7) Subsection (6) above does not apply where a person required on any occasion under the preceding provisions of this section to produce a licence **[**F604and its counterpart**]**—

(a) produces on that occasion a current receipt for the licence **[**F605and its counterpart**]** issued under section 56 of the M61Road Traffic Offenders Act 1988 and, if required to do so, produces the licence **[**F605and its counterpart**]** in person immediately on **[**F606their**]** return at a police station that was specified on that occasion, or

(b) within seven days after that occasion produces such a receipt in person at a police station that was specified by him on that occasion and, if required to do so, produces the licence **[**F607and its counterpart**]** in person immediately on **[**F608their**]** return at that police station.

(8) In proceedings against any person for the offence of failing to produce a licence **[**F609and its counterpart**]** it shall be a defence for him to show that—

(a) within seven days after the production of his licence **[**F609and its counterpart**]** was required he produced **[**F610them**]** in person at a police station that was specified by him at the time **[**F611their**]** production was required, or

(b) he produced **[**F610them**]** in person there as soon as was reasonably practicable, or

(c) it was not reasonably practicable for him to produce **[**F610them**]** there before the day on which the proceedings were commenced,

and for the purposes of this subsection the laying of the information or, in Scotland, the service of the complaint on the accused shall be treated as the commencement of the proceedings.

[F612(8A) Subsection (8) above shall apply in relation to a certificate of completion of a training course for motor cyclists as it applies in relation to a licence.**]**

(9) Where in accordance with this section a person has stated his date of birth to a constable, the Secretary of State may serve on that person a notice in writing requiring him to provide the Secretary of State—

(a) with such evidence in that person's possession or obtainable by him as the Secretary of State may specify for the purpose of verifying that date, and

(b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time,

and a person who knowingly fails to comply with a notice under this subsection is guilty of an offence.

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(10) A notice authorised to be served on any person by subsection (9) above may be served on him by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this subsection and section 7 of the Interpretation Act 1978 [M62] in its application to this subsection the proper address of any person shall be his latest address as known to the person giving the notice.

[[F613](11) In this section—

"licence" means a licence under Part III of this Act or a Community licence,

"vehicle examiner" means an examiner appointed under section 66A of this Act;

and "Community licence", "counterpart", "provisional licence", "training course for motor cyclists" and, in relation to such a course, "the prescribed certificate of completion" have the same meanings as in Part III of this Act.**]**

Textual Amendments

F580 Words in s. 164(1) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 68(2)**; S.I. 1992/1286, art. 2, **Sch.**

F581 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(a)(i)(ii)**

F582 Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(a)(i)(ii)**

F583 Words in s. 164(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 68(3)**; S.I. 1992/1286, art. 2, **Sch.**

F584 S. 164(3)(a) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 18(a)(i)**

F585 Words in s. 164(3) inserted (1.7.1998) by S.I. 1998/1420, **reg. 14**

F586 S. 164(3)(a)(iii) and preceeding word "or" inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 30(2)(a)**

F587 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(i)**

F588 Words inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 18(a)(ii)**

F589 Words substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 18(a)(ii)**

F590 Words in s. 164(3)(b) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 30(2)(b)**

F591 Words in s. 164(3) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 68(4)**; S.I. 1992/1286, art. 2, **Sch.**

F592 Word(s) substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(ii)(iii)**

F593 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(iv)**

F594 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(c)**

F595 S. 164(4A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 18(b)**

F596 Words in s. 164(5) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 68(5)**; S.I. 1992/1286, art. 2, **Sch.**

F597 Words in s. 164(5) inserted (10.11.2000 for certain purposes and otherwise 2.4.2001) by 2000 c. 19, **s. 16(4)** (with s. 83(6)); S.I. 2000/2994, art. 2(1), **Sch. Pt. I**; S.I. 2000/3554, **art. 2(3)**

F598 Words in s. 164(5) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 117**

F599 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(d)(i)(ii)(iii)**

F600 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(d)(i)(ii)(iii)**

F601 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(e)**

F602 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 18(c)**

F603 Words in s. 164(6) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 68(6)**; S.I. 1992/1286, art. 2, **Sch.**

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F604 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(i)**
F605 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(ii)**
F606 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(ii)**
F607 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(iii)**
F608 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(iii)**
F609 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(i)**
F610 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(ii)**
F611 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(ii)**
F612 S. 164(8A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 68(7)**; S.I. 1992/1286, art. 2, **Sch.**
F613 S. 164(11) substituted (27.3.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 30(3)**

Modifications etc. (not altering text)
C152 S. 164(1)(6)(8) applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(e)**
C153 S. 164(1): power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(c)(iii)(3)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(c)(7)(a)**)
C154 S. 164(1) applied (with modifications) by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**).
C155 S. 164(2): power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(c)(iii)(3)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(c)(7)(a)**)
C156 S. 164(5) extended (E.W.) (1.1.1998) by 1997 C. 43, s. 39(5)(a), 40(6); S.I. 1997/2200, **art. 3(b)(c)**
C157 S. 164(6): power to extend conferred by Road Traffic Regulation Act 1984 (c.27, SIF 107:1), **s. 96(2)(c)(iii)(3)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(c)(7)(a)**)
C158 S. 164(6) applied (with modifications) by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**).
C159 S. 164(8) applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)

Marginal Citations
M61 1988 c. 53.
M62 1978 c. 30.

165 Power of constables to obtain names and addresses of drivers and others, and to require production of evidence of insurance or security and test certificates.

(1) Any of the following persons—

(a) a person driving a motor vehicle (other than an invalid carriage) on a road, or

(b) a person whom a constable **[**F614or vehicle examiner**]** has reasonable cause to believe to have been the driver of a motor vehicle (other than an invalid carriage) at a time when an accident occurred owing to its presence on a road **[**F615or other public place**]**, or

(c) a person whom a constable **[**F614or vehicle examiner**]** has reasonable cause to believe to have committed an offence in relation to the use on a road of a motor vehicle (other than an invalid carriage),

must, on being so required by a constable **[**F614or vehicle examiner**]**, give his name and address and the name and address of the owner of the vehicle and produce the following documents for examination.

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(2) Those documents are—

(a) the relevant certificate of insurance or certificate of security (within the meaning of Part VI of this Act), or such other evidence that the vehicle is not or was not being driven in contravention of section 143 of this Act as may be prescribed by regulations made by the Secretary of State,

(b) in relation to a vehicle to which section 47 of this Act applies, a test certificate issued in respect of the vehicle as mentioned in subsection (1) of that section, and

(c) in relation to a goods vehicle the use of which on a road without a plating certificate or goods vehicle test certificate is an offence under section 53(1) or (2) of this Act, any such certificate issued in respect of that vehicle or any trailer drawn by it.

(3) Subject to subsection (4) below, a person who fails to comply with a requirement under subsection (1) above is guilty of an offence.

(4) A person shall not be convicted of an offence under **[**F616subsection (3)**]** above by reason only of failure to produce any certificate or other evidence F617. . . if in proceedings against him for the offence he shows that—

(a) within seven days after the date on which the production of the certificate or other evidence was required it was produced at a police station that was specified by him at the time when its production was required, or

(b) it was produced there as soon as was reasonably practicable, or

(c) it was not reasonably practicable for it to be produced there before the day on which the proceedings were commenced,

and for the purposes of this subsection the laying of the information or, in Scotland, the service of the complaint on the accused shall be treated as the commencement of the proceedings.

(5) A person—

(a) who supervises the holder of a provisional licence granted under Part III of this Act while the holder is driving on a road a motor vehicle (other than an invalid carriage), or

(b) whom a constable **[**F614or vehicle examiner**]** has reasonable cause to believe was supervising the holder of such a licence while driving, at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the holder of the provisional licence in relation to the use of the vehicle on a road,

must, on being so required by a constable **[**F614or vehicle examiner**]**, give his name and address and the name and address of the owner of the vehicle.

(6) A person who fails to comply with a requirement under subsection (5) above is guilty of an offence.

(7) In this section "owner", in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement **[**F618and "vehicle examiner" means an examiner appointed under section 66A of this Act.**]**

Textual Amendments

F614 Words in s. 165(1) and (5) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 69(2)(3)**; S.I. 1992/1286, art. 2, **Sch.**

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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F615 Words in s. 165(1)(b) inserted (3.4.2000) by S.I. 2000/726, **art. 2(5)**
F616 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 19**
F617 Words in s. 165(4) 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.**
F618 Words in s. 165(7) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 69(4)**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)
C160 S. 165 modified by Energy Act 1976 (c. 76, SIF 44:3), s. 4(2), **Sch. 1 para. 4(2)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 17(c)**)
C161 S. 165: power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(c)(iv)(3)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(d)(7)(a)**)
C162 S. 165 applied (23.6.1999) by S.I. 1999/1736, **art. 8(6)**
C163 S. 165 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**
C164 S. 165(1) extended (S.) (21.3.1999) by S.I. 1999/854, **art. 3(3)**
S. 165(1) applied (23.6.1999) by S.I. 1999/1736, **art. 8(7)**
C165 S. 165(1) extended by Police Reform Act 2002 (c. 30), Sch. 4 para. 3A(1)(a)(2) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 6**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))
S. 165(1) extended by Police Reform Act 2002 (c. 30), Sch. 5 para. 3A(1)(a) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 19**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))

VALID FROM 01/07/2005

[F619 165A Power to seize vehicles driven without licence or insurance

(1) Subsection (5) applies if any of the following conditions is satisfied.

(2) The first condition is that—

(a) a constable in uniform requires, under section 164, a person to produce his licence and its counterpart for examination,

(b) the person fails to produce them, and

(c) the constable has reasonable grounds for believing that a motor vehicle is or was being driven by the person in contravention of section 87(1).

(3) The second condition is that—

(a) a constable in uniform requires, under section 165, a person to produce evidence that a motor vehicle is not or was not being driven in contravention of section 143,

(b) the person fails to produce such evidence, and

(c) the constable has reasonable grounds for believing that the vehicle is or was being so driven.

(4) The third condition is that—

(a) a constable in uniform requires, under section 163, a person driving a motor vehicle to stop the vehicle,

(b) the person fails to stop the vehicle, or to stop the vehicle long enough, for the constable to make such lawful enquiries as he considers appropriate, and

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(c) the constable has reasonable grounds for believing that the vehicle is or was being driven in contravention of section 87(1) or 143.

(5) Where this subsection applies, the constable may—

(a) seize the vehicle in accordance with subsections (6) and (7) and remove it;

(b) enter, for the purpose of exercising a power falling within paragraph (a), any premises (other than a private dwelling house) on which he has reasonable grounds for believing the vehicle to be;

(c) use reasonable force, if necessary, in the exercise of any power conferred by paragraph (a) or (b).

(6) Before seizing the motor vehicle, the constable must warn the person by whom it appears that the vehicle is or was being driven in contravention of section 87(1) or 143 that he will seize it—

(a) in a section 87(1) case, if the person does not produce his licence and its counterpart immediately;

(b) in a section 143 case, if the person does not provide him immediately with evidence that the vehicle is not or was not being driven in contravention of that section.

But the constable is not required to give such a warning if the circumstances make it impracticable for him to do so.

(7) If the constable is unable to seize the vehicle immediately because the person driving the vehicle has failed to stop as requested or has driven off, he may seize it at any time within the period of 24 hours beginning with the time at which the condition in question is first satisfied.

(8) The powers conferred on a constable by this section are exercisable only at a time when regulations under section 165B are in force.

(9) In this section—

(a) a reference to a motor vehicle does not include an invalid carriage;

(b) a reference to evidence that a motor vehicle is not or was not being driven in contravention of section 143 is a reference to a document or other evidence within section 165(2)(a);

(c) "counterpart" and "licence" have the same meanings as in section 164;

(d) "private dwelling house" does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

Textual Amendments

F619 Ss. 165A, 165B inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 152**, 178; S.I. 2005/1521, **art 3(1)** (subject to art. 3(4)(5))

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 01/07/2005

165B Retention etc. of vehicles seized under section 165A

(1) The Secretary of State may by regulations make provision as to—

(a) the removal and retention of motor vehicles seized under section 165A; and

(b) the release or disposal of such motor vehicles.

(2) Regulations under subsection (1) may, in particular, make provision—

(a) for the giving of notice of the seizure of a motor vehicle under section 165A to a person who is the registered keeper, the owner or the driver of that vehicle;

(b) for the procedure by which a person who claims to be the registered keeper or the owner of a motor vehicle seized under section 165A may seek to have it released;

(c) for requiring the payment, by the registered keeper, owner or driver of the vehicle, of fees, charges or costs in relation to the removal and retention of such a motor vehicle and to any application for its release;

(d) as to the circumstances in which a motor vehicle seized under section 165A may be disposed of;

(e) as to the destination—

(i) of any fees or charges payable in accordance with the regulations;

(ii) of the proceeds (if any) arising from the disposal of a motor vehicle seized under section 165A;

(f) for the delivery to a local authority, in circumstances prescribed by or determined in accordance with the regulations, of any motor vehicle seized under section 165A.

(3) Regulations under subsection (1) must provide that a person who would otherwise be liable to pay any fee or charge under the regulations is not liable to pay it if—

(a) he was not driving the motor vehicle at the time in question, and

(b) he did not know that the vehicle was being driven at that time, had not consented to its being driven and could not, by the taking of reasonable steps, have prevented it from being driven.

(4) Regulations under subsection (1) may make different provision for different cases.

(5) In this section—

"local authority"—

(a) in relation to England, means—

(i) a county council,

(ii) the council of a district comprised in an area for which there is no county council,

(iii) a London borough council,

(iv) the Common Council of the City of London, or

(v) Transport for London;

(b) in relation to Wales, means the council of a county or county borough; and

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(c) in relation to Scotland, means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

"registered keeper", in relation to a motor vehicle, means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994.**]**

Textual Amendments

F619 Ss. 165A, 165B inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 152**, 178; S.I. 2005/1521, **art 3(1)** (subject to art. 3(4)(5))

[F620166 Powers of certain officers as respects goods vehicles and passenger-carrying vehicles.

Any of the following officers, namely—

(a) an examiner appointed under section 68 of this Act,

(b) a certifying officer appointed under section 7(1) of the Public Passenger Vehicles Act M63 1981,

(c) an examiner appointed under section 7(2) of that Act, and

(d) **[**F621A person authorised for the purpose by a traffic commissioner appointed under the Public Passenger Vehicles Act 1981,**]**

may, on production if so required of his authority, exercise in the case of goods vehicles or passenger-carrying vehicles of any prescribed class all such powers as are, under section 164(1) or (3) or 165 of this Act, exercisable by a constable.**]**

Textual Amendments

F620 S. 166 substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 20**

F621 Words in s. 166(d) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 70**; S.I. 1992/1286, **art. 2**,Sch.

Marginal Citations

M63 1981 c.14

167 Power of arrest in Scotland for reckless or careless driving or cycling.

A constable—

(a) may arrest without warrant the driver of a motor vehicle who within his view commits an offence under section 2 or 3 of this Act unless the driver either gives his name and address or produces for examination his licence to drive a motor vehicle granted under Part III of this Act **[**F622and the counterpart of the licence**][**F623or, as the case may be, his Community licence within the meaning of that Part and its counterpart (if any)**]**, and

(b) may arrest without warrant the rider of a cycle who within his view commits an offence under section 28 or 29 of this Act unless the rider gives his name and address.

This section extends only to Scotland.

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Textual Amendments

F622 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 10**

F623 Words in s. 167 inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 31**

Duty to give name and address

168 Failure to give, or giving false, name and address in case of reckless or careless or inconsiderate driving or cycling.

Any of the following persons—

(a) the driver of a **[**[F624]mechanically propelled vehicle**]** who is alleged to have committed an offence under section 2 or 3 of this Act, or

(b) the rider of a cycle who is alleged to have committed an offence under section 28 or 29 of this Act,

who refuses, on being so required by any person having reasonable ground for so requiring, to give his name or address, or gives a false name or address, is guilty of an offence.

Textual Amendments

F624 Words in s. 168(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.71**; S.I. 1992/1286, **art. 2**,Sch.

169 Pedestrian contravening constable's direction to stop to give name and address.

A constable may require a person committing an offence under section 37 of this Act to give his name and address, and if that person fails to do so he is guilty of an offence.

Modifications etc. (not altering text)

C166 S. 169: power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(c)(iv)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(d)**)

C167 S. 169 extended (S.) (21.3.1999) by S.I. 1999/854, **art. 3(2)(b)**
S. 169 extended (with modifications) by Police Reform Act 2002 (c. 30), Sch. 4 para. 3A(1)(b)(2)(3) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 6**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))
S. 169 extended (with modifications) by Police Reform Act 2002 (c. 30), Sch. 5 para. 3A(1)(b)(2) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 19**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))

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Duties in case of accident

170 Duty of driver to stop, report accident and give information or documents.

(1) This section applies in a case where, owing to the presence of a **[**F625mechanically propelled vehicle**]** on a road **[**F626or other public place**]**, an accident occurs by which—

(a) personal injury is caused to a person other than the driver of that **[**F625mechanically propelled vehicle**]**, or

(b) damage is caused—

(i) to a vehicle other than that **[**F625mechanically propelled vehicle**]** or a trailer drawn by that **[**F625mechanically propelled vehicle**]**, or

(ii) to an animal other than an animal in or on that **[**F625mechanically propelled vehicle**]** or a trailer drawn by that **[**F625mechanically propelled vehicle**]**, or

(iii) to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road **[**F627or place**]** in question is situated or land adjacent to such land.

(2) The driver of the **[**F625mechanically propelled vehicle**]** must stop and, if required to do so by any person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and the identification marks of the vehicle.

(3) If for any reason the driver of the **[**F625mechanically propelled vehicle**]** does not give his name and address under subsection (2) above, he must report the accident.

(4) A person who fails to comply with subsection (2) or (3) above is guilty of an offence.

(5) If, in a case where this section applies by virtue of subsection (1)(a) above, the driver of **[**F628a motor vehicle**]** does not at the time of the accident produce such a certificate of insurance or security, or other evidence, as is mentioned in section 165(2)(a) of this Act—

(a) to a constable, or

(b) to some person who, having reasonable grounds for so doing, has required him to produce it,

the driver must report the accident and produce such a certificate or other evidence.

This subsection does not apply to the driver of an invalid carriage.

(6) To comply with a duty under this section to report an accident or to produce such a certificate of insurance or security, or other evidence, as is mentioned in section 165(2)(a) of this Act, the driver—

(a) must do so at a police station or to a constable, and

(b) must do so as soon as is reasonably practicable and, in any case, within twenty-four hours of the occurrence of the accident.

(7) A person who fails to comply with a duty under subsection (5) above is guilty of an offence, but he shall not be convicted by reason only of a failure to produce a certificate or other evidence if, within **[**F629seven**]** days after the occurrence of the accident, the certificate or other evidence is produced at a police station that was specified by him at the time when the accident was reported.

(8) In this section "animal" means horse, cattle, ass, mule, sheep, pig, goat or dog.

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Textual Amendments

F625 Words in s. 170(1)-(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 72(2)**; S.I. 1992/1286, **art. 2**,Sch.

F626 Words in s. 170(1) inserted (3.4.2000) by S.I. 2000/726, **art. 6(a)**

F627 Words in s. 170(1)(b)(ii) inserted (3.4.2000) by S.I. 2000/726, **art. 6(b)**

F628 Words in s. 170(5) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 72(3)**; S.I. 1992/1286, **art. 2**,Sch.

F629 Word in s. 170(7) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 72(4)**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C168 S. 170 modified by Energy Act 1976 (c. 76, SIF 44:3), s. 4(2), **Sch. 1 para. 4(2)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 17(c)**)

C169 S. 170(5)-(7) excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Other duties to give information or documents

171 Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance or security.

(1) For the purpose of determining whether a motor vehicle was or was not being driven in contravention of section 143 of this Act on any occasion when the driver was required under section 165(1) or 170 of this Act to produce such a certificate of insurance or security, or other evidence, as is mentioned in section 165(2)(a) of this Act, the owner of the vehicle must give such information as he may be required, by or on behalf of a chief officer of police, to give.

(2) A person who fails to comply with the requirement of subsection (1) above is guilty of an offence.

(3) In this section "owner", in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement.

Modifications etc. (not altering text)

C170 S. 171 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

[F630172 Duty to give information as to identity of driver etc in certain circumstances.

(1) This section applies—

(a) to any offence under the preceding provisions of this Act except—

(i) an offence under Part V, or

(ii) an offence under section 13, 16, 51(2), 61(4), 67(9), 68(4), 96 or 120,

and to an offence under section 178 of this Act,

(b) to any offence under sections 25, 26 or 27 of the Road Traffic Offenders Act 1988,

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(c) to any offence against any other enactment relating to the use of vehicles on roads, except an offence under paragraph 8 of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989, and

(d) to manslaughter, or in Scotland culpable homicide, by the driver of a motor vehicle.

(2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies—

(a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required to give by or on behalf of a chief officer of police, and

(b) any other person shall if required as stated above give any information which it is in his power to give and may lead to identification of the driver.

(3) Subject to the following provisions, a person who fails to comply with a requirement under subsection (2) above shall be guilty of an offence.

(4) A person shall not be guilty of an offence by virtue of paragraph (a) of subsection (2) above if he shows that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was.

(5) Where a body corporate is guilty of an offence under this section and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

(6) Where the alleged offender is a body corporate, or in Scotland a partnership or an unincorporated association, or the proceedings are brought against him by virtue of subsection (5) above or subsection (11) below, subsection (4) above shall not apply unless, in addition to the matters there mentioned, the alleged offender shows that no record was kept of the persons who drove the vehicle and that the failure to keep a record was reasonable.

(7) A requirement under subsection (2) may be made by written notice served by post; and where it is so made—

(a) it shall have effect as a requirement to give the information within the period of 28 days beginning with the day on which the notice is served, and

(b) the person on whom the notice is served shall not be guilty of an offence under this section if he shows either that he gave the information as soon as reasonably practicable after the end of that period or that it has not been reasonably practicable for him to give it.

(8) Where the person on whom a notice under subsection (7) above is to be served is a body corporate, the notice is duly served if it is served on the secretary or clerk of that body.

(9) For the purposes of section 7 of the Interpretation Act 1978 as it applies for the purposes of this section the proper address of any person in relation to the service on him of a notice under subsection (7) above is—

(a) in the case of the secretary or clerk of a body corporate, that of the registered or principal office of that body or (if the body corporate is the registered keeper of the vehicle concerned) the registered address, and

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(b) in any other case, his last known address at the time of service.

(10) In this section—

"registered address", in relation to the registered keeper of a vehicle, means the address recorded in the record kept under **[**F631 the Vehicles Excise and Registration Act 1994**]** with respect to that vehicle as being that person's address, and

"registered keeper", in relation to a vehicle, means the person in whose name the vehicle is registered under that Act;

and references to the driver of a vehicle include references to the rider of a cycle.

(11) Where, in Scotland, an offence under this section is committed by a partnership or by an unincorporated association other than a partnership and is proved to have been committed with the consent or connivance or in consequence of the negligence of a partner in the partnership or, as the case may be, a person concerned in the management or control of the association, he (as well as the partnership or association) shall be guilty of the offence.

Textual Amendments

F630 S. 172 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 21**; S.I. 1992/1286, art. 2, **Sch.**

F631 Words in s. 172(10) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(1)** (with s. 57(4))

Forgery, false statements, etc.

173 Forgery of documents, etc.

(1) A person who, with intent to deceive—

(a) forges, alters or uses a document or other thing to which this section applies, or

(b) lends to, or allows to be used by, any other person a document or other thing to which this section applies, or

(c) makes or has in his possession any document or other thing so closely resembling a document or other thing to which this section applies as to be calculated to deceive,

is guilty of an offence.

(2) This section applies to the following documents and other things—

(a) any licence under any Part of this Act **[**F632or in the case of a licence to drive any counterpart of such licence,**]**

(aa) any counterpart of a **[**F633Northern Ireland licence or**]** Community licence,

(b) any test certificate, goods vehicle test certificate, plating certificate, certificate of conformity or Minister's approval certificate (within the meaning of Part II of this Act),

(c) any certificate required as a condition of any exception prescribed under section 14 of this Act,

[F634(cc) any seal required by regulations made under section 41 of this Act with respect to speed limiters,**]**

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(d) **[**F635any plate containing particulars required to be marked on a vehicle by regulations under section 41 of this Act**]** or containing other particulars required to be marked on a goods vehicle by sections 54 to 58 of this Act or regulations under those sections,

[F636(dd) any document evidencing the appointment of an examiner under section 66A of this Act,**]**

(e) any records required to be kept by virtue of section 74 of this Act,

(f) any document which, in pursuance of section 89(3) F637. . .of this Act, is issued as evidence of the result of a test of competence to drive,

[(ff) any certificate provided for by regulations under section 97(3 F638A) of this Act relating to the completion of a training course for motor cyclists,**]**

(g) any **[**F639certificate under section 133A or any**]** badge or certificate prescribed by regulations made by virtue of section 135 of this Act,

(h) any certificate of insurance or certificate of security under Part VI of this Act,

(j) any document produced as evidence of insurance in pursuance of Regulation 6 of the M64Motor Vehicles (Compulsory Insurance) (No. 2) Regulations 1973,

(k) any document issued under regulations made by the Secretary of State in pursuance of his power under section 165(2)(a) of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security, F640. . .

(l) any international road haulage permit. **[**F641and

(m) a certificate of the kind referred to in section 34B(1) of the Road Traffic Offenders Act 1988.**]**

(3) In the application of this section to England and Wales "forges" means makes a false document or other thing in order that it may be used as genuine.

[F642(4) In this section "counterpart", **[**F643"Community licence" and "Northern Ireland licence"**]** have the same meanings as in Part III of this Act**]**

Textual Amendments

F632 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 11(a)**

F633 Words in s. 173(2)(aa) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 29(a)**; S.I. 2004/2624, **art. 2(2)(b)**

F634 S. 173(2)(cc) inserted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 73(2)**; S.I. 1992/421, art. 2, **Sch.**

F635 Words in s. 173(2)(d) substituted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, 84, **Sch. 4 para. 73(3)**; S.I. 1992/421, art. 2, **Sch.**

F636 S. 173(2)(dd) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 73(4)**; S.I. 1992/1286, art. 2, **Sch.**

F637 Words in s. 173(2)(f) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 7, 16, Sch. 3 para. 22, **Sch. 6**

F638 S. 173(2)(ff) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 73(5)**; S.I. 1992/1286, art. 2, **Sch.**

F639 Words in s. 173(2)(g) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 9**; S.I. 1996/1980, **art. 2**

F640 Word in s. 173(2)(k) 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.**

F641 S. 173(2)(m) and preceding word added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 73(6)**; S.I. 1992/1286, art. 2, **Sch.**

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F642 S. 173(4) substituted (23.7.1996 for specified purposes and otherwise 1.1.1996) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 32(3)**

F643 Words in s. 173(4) substituted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 29(b)**; S.I. 2004/2624, **art. 2(2)(b)**

Modifications etc. (not altering text)

C171 S. 173 applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)

C172 S. 173 applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(f)**

Marginal Citations

M64 S.I. 1973/2143.

174 False statements and withholding material information.

(1) A person who knowingly makes a false statement for the purpose—

(a) of obtaining the grant of a licence under any Part of this Act to himself or any other person, or

(b) of preventing the grant of any such licence, or

(c) of procuring the imposition of a condition or limitation in relation to any such licence, or

(d) of securing the entry or retention of the name of any person in the register of approved instructors maintained under Part V of this Act, or

[[F644](dd) of obtaining the grant to any person of a certificate under section 133A of this Act, or**]**

(e) of obtaining the grant of an international road haulage permit to himself or any other person,

is guilty of an offence.

(2) A person who, in supplying information or producing documents for the purposes either of sections 53 to 60 and 63 of this Act or of regulations made under sections 49 to 51, 61, 62 and 66(3) of this Act—

(a) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or

(b) produces, provides, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, provides, sends or otherwise makes use of a document which is false in a material particular,

is guilty of an offence.

(3) A person who—

(a) knowingly produces false evidence for the purposes of regulations under section 66(1) of this Act, or

(b) knowingly makes a false statement in a declaration required to be made by the regulations,

is guilty of an offence.

(4) A person who—

(a) wilfully makes a false entry in any record required to be made or kept by regulations under section 74 of this Act, or

(b) with intent to deceive, makes use of any such entry which he knows to be false,

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is guilty of an offence.

(5) A person who makes a false statement or withholds any material information for the purpose of obtaining the issue—

(a) of a certificate of insurance or certificate of security under Part VI of this Act, or

(b) of any document issued under regulations made by the Secretary of State in pursuance of his power under section 165(2)(a) of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security,

is guilty of an offence.

Textual Amendments

F644 S. 174(1)(dd) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 10**; S.I. 1996/1980, **art. 2**

175 Issue of false documents.

If a person issues—

(a) any such document as is referred to in section 174(5)(a) or (b) of this Act, or

(b) a test certificate or certificate of conformity (within the meaning of Part II of this Act),

and the document or certificate so issued is to his knowledge false in a material particular, he is guilty of an offence.

176 Power to seize articles in respect of which offences under sections 173 to 175 may have been committed.

(1) If a constable has reasonable cause to believe that a document produced to him—

(a) in pursuance of section 137 of this Act, or

(b) in pursuance of any of the preceding provisions of this Part of this Act,

is a document in relation to which an offence has been committed under section 173, 174 or 175 of this Act or under section 115 of the [M65]Road Traffic Regulation Act 1984, he may seize the document.

[[F645](1A) Where a licence to drive or a counterpart of any such licence or of any Community licence may be seized by a constable under subsection (1) above, he may also seize the counterpart, the licnce to drive or the Community licence (as the case may be) produced with it.**]**

(2) When a document is seized under subsection (1) above, the person from whom it was taken shall, unless—

(a) the document has been previously returned to him, or

(b) he has been previously charged with an offence under any of those sections,

be summoned before a magistrates' court or, in Scotland, the sheriff to account for his possession of the document.

(3) The court or sheriff must make such order respecting the disposal of the document and award such costs as the justice of the case may require.

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[F646(3A) An order under subsection (3) above respecting the disposal of a licence to drive or a counterpart of **[**F647any such licence or community licence**]** may include an order respecting the disposal of any document seized under subsection (1A) above.**]**

(4) If a constable, **[**F648an examiner appointed under section 66A**]** of this Act has reasonable cause to believe that a document or plate carried on a motor vehicle or by the driver of the vehicle is a document or plate to which this subsection applies, he may seize it.

For the purposes of this subsection the power to seize includes power to detach from a vehicle.

(5) Subsection (4) above applies to a document or plate in relation to which an offence has been committed under sections 173, 174 or 175 of this Act in so far as they apply—

(a) to documents evidencing the appointment of examiners **[**F649under s. 66A**]** of this Act, or

(b) to goods vehicle test certificates, plating certificates, certificates of conformity or Minister's approval certificates (within the meaning of Part II of this Act), or

(c) to plates containing plated particulars (within the meaning of that Part) or containing other particulars required to be marked on goods vehicles by sections 54 to 58 of this Act or regulations made under them, or

(d) to records required to be kept by virtue of section 74 of this Act, or

(e) to international road haulage permits.

(6) When a document or plate is seized under subsection (4) above, either the driver or owner of the vehicle shall, if the document or plate is still detained and neither of them has previously been charged with an offence in relation to the document or plate under section 173, 174 or 175 of this Act, be summoned before a magistrates' court or, in Scotland, the sheriff to account for his possession of, or the presence on the vehicle of, the document or plate.

(7) The court or sheriff must make such order respecting the disposal of the document or plate and award such costs as the justice of the case may require.

[F650(8) In this section "counterpart" and "Community licence" have the same meanings as in Part III of this Act.**]**

Textual Amendments

F645 S. 176(1A) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 33(2)**

F646 S. 176(3A) inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 12(b)**

F647 Words in s. 176(3A) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 33(3)**

F648 Words in s. 176(4) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 74(2)**; S.I. 1992/1286, art. 2, **Sch.**

F649 Words in s. 176(5)(a) substituted (1.7.1992) by Road Traffic act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para. 74(3); S.I. 1992/1286, art. 2, **Sch.**

F650 S. 176(8) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by The Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974, reg. 2, **Sch. 1 para. 33(4)**

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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Marginal Citations
M65 1984 c. 27.

[F651 177 Impersonation of authorised examiner, etc.

A person is guilty of an offence if, with intent to deceive, he falsely represents himself—

(a) to be, or to be employed by, a person authorised in accordance with regulations made under section 41 of this Act with respect to the checking and sealing of speed limiters, or

(b) to be a person entitled under section 45 of this Act to carry out examinations of vehicles under that section.**]**

Textual Amendments
F651 S. 177 substituted (11.4.2003) by 1999 c. 12, ss. 7(1), 9(2), Sch. para. 3; S.I. 2003/1095, **art. 2**

Offences in Scotland

178 Taking motor vehicle without authority, etc.

(1) A person who in Scotland—

(a) takes and drives away a motor vehicle without having either the consent of the owner of the vehicle or other lawful authority, or

(b) knowing that a motor vehicle has been so taken, drives it or allows himself to be carried in or on it without such consent or authority,

is, subject to subsection (2) below, guilty of an offence.

(2) If—

(a) the jury, on proceedings under this section on indictment, or

(b) the court, on summary proceedings under this section,

is satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given consent if he had been asked for it, the accused shall not be liable to be convicted of the offence.

(3) A constable may arrest without warrant a person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

Inquiries

179 General power to hold enquiries.

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

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180 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 to produce any documents in his possession or power which relate to any matter in question at the inquiry and are such as would be subject to production in a court of law,

(c) the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths, 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 (including such reasonable sum not exceeding £30 a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and may certify the amount of the costs so incurred.

(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, by the Secretary of State summarily as a civil debt (without prejudice to any other means of recovering it), or

(b) in Scotland, by the Secretary of State.

(3) A person who fails without reasonable excuse to comply with any of the provisions of an order under subsection (1)(b) above is guilty of an offence.

Extent Information

E4 For the application of s. 180 to Northern Ireland see s. 197(3) and S.I. 1992/3107, **reg. 13(4)**.

Modifications etc. (not altering text)

C173 S. 180 applied (with modifications) (1.1.1993) by S.I. 1992/3107, **regs. 1(2)**, 13(4)(5)
S. 180 applied (10.7.1995) by S.I. 1995/1513, **reg. 12(4)**
S. 180 applied (1.7.2005) by The Tractor etc (EC Type-Approval) Regulations 2005 (S.I. 2005/390), **reg. 12(3)**

C174 S. 180 modified (10.7.1995) by S.I. 1995/1513, **reg. 12(5)**

181 General provisions as to accident inquiries.

(1) Where an accident arises out of the presence of a **[**[F652]mechanically propelled vehicle**]** on a road, the Secretary of State may direct inquiry to be made into the cause of the accident.

(2) Where any accident arising out of the presence of a **[**[F652]mechanically propelled vehicle**]** on a road has occurred, a person authorised by the Secretary of State in that behalf may, on production if so required of his authority, inspect any vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time any premises where the vehicle is.

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(3) If a person obstructs a person so authorised in the performance of his duty under subsection (2) above, he is guilty of an offence.

(4) If in any case the Secretary of State considers that an inquiry to be made by him under this section should be made by means of the holding of a public inquiry, he may direct a public inquiry to be held.

(5) A report made by or to the Secretary of State as the result of an inquiry under this section shall not be used in evidence by or on behalf of a person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

Textual Amendments

F652 Words in s. 181(1)(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 76**; S.I. 1992/1286, **art. 2**,Sch.

182 Special provisions as to accident inquiries in Greater London.

(1) Where, owing to the presence of a vehicle on a road, an accident occurs within Greater London and it appears to the Secretary of State that the sole or a contributory cause of the accident was—

(a) the nature or character of the road or of the road surface, or

(b) a defect in the design or construction of the vehicle or in the materials used in the construction of the road or vehicle,

he may, if he thinks fit, cause an inquiry to be held into the cause of the accident.

(2) In this section "road" includes a highway and a bridge carrying a highway and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not.

Application to the Crown

183 Application to the Crown.

(1) Subject to the provisions of this section—

(a) Part I of this Act,

(b) Part II of this Act, except sections 68 to 74 and 77,

(c) Part III of this Act **[**F653, except section 103(3)**]**,

(d) Part IV of this Act, and

(e) in this Part, sections 163, 164, 168, 169, 170(1) to (4), 177, 178, 181 and 182,

apply to vehicles and persons in the public service of the Crown.

(2) Sections 49 to 63 and **[**F654sections 64A, 65 and 65A**]** of this Act apply—

(a) to vehicles in the public service of the Crown only if they are registered or liable to be registered under **[**F655the vehicle Excise and Registration Act 1994**]**, and

(b) to trailers in the public service of the Crown only while drawn by vehicles (whether or not in the public service of the Crown) which are required to be so registered.

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(3) Where those sections so apply they do so subject to the following modifications—

(a) examinations of such vehicles in pursuance of regulations under section 49 or 61(2)(a) of this Act may be made by or under the directions of examiners authorised by the Secretary of State for the purpose instead of by or under the directions of examiners appointed under section **[**F656 66A of this Act**]**, F657 . . .

F657 (b) . . . . . .

(4) Neither section 97(3) nor section 98(3) of this Act, in so far as they prevent such a licence as is there mentioned from authorising a person to drive certain **[**F658 motor bicycles**][**F659 and mopeds**]**, applies—

(a) in the case of **[**F658 motor bicycles**][**F659 and mopeds**]** owned by the Secretary of State for Defence and used for naval, military or air force purposes, or

(b) in the case of **[**F658 motor bicycles**][**F659 and mopeds**]** so used while being ridden by persons for the time being subject to the orders of a member of the armed forces of the Crown.

(5) Subject to regulations made under subsection (2) of section 101 of this Act, that section (in so far as it prohibits persons under 21 from holding or obtaining a licence to drive motor vehicles or persons under 18 from holding or obtaining a licence to drive medium-sized goods vehicles) does not apply—

(a) in the case of motor vehicles owned by the Secretary of State for Defence and used for naval, military or air force purposes, or

(b) in the case of vehicles so used while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.

[F660 (6) The functions under Part IV of this Act of traffic commissioners in relation to licences issued to persons subject to the M66 Naval Discipline Act 1957, to military law or to air force law to drive large goods vehicles or passenger-carrying vehicles in the public service of the Crown shall be exercised by the prescribed authority.**]**

(7) Section 165 of this Act, in so far as it provides for the production of test certificates and the giving of names and addresses, applies to a person in connection with a vehicle to which section 47 of this Act applies notwithstanding that he or the driver is or was at any material time in the public service of the Crown.

(8) Subsection (1) of section 165 of this Act, in so far as it provides for the production of any certificate mentioned in subsection (2)(c) of that section, applies to a person in connection with a goods vehicle so mentioned notwithstanding that he or the driver is or was at any material time in the public service of the Crown.

Textual Amendments

F653 Words in s. 183(1)(c) repealed (E.W.) (1.10.2002) by 2002 c. 30, s. 107, Sch. 7 para. 12, **Sch. 8**; S.I. 2002/2306, **art. 2(g)(i)-(iii)**(a)

F654 Words in s. 183(2) substituted (1.1.1996) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 6**.

F655 Words in s. 183(2)(a) substituted (1.9.1994) by 1994 c. 22 ss. 63, 66(1), Sch. 3 para. 24(1) (with s. 57(4))

F656 Words in s. 183(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, **Sch. 4 para. 77**; S.I. 1992/1286, art. 2, **Sch.**

F657 S. 183(3)(b) and the word "and" preceding it repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

F658 Words in s. 183(4) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 34**

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F659 Words in s. 183(4) inserted (1.7.1998) by S.I. 1998/1420, **reg. 15**
F660 S. 183(6) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 23**

Marginal Citations
M66 1957 c. 53

184 Application of sections 5 to 10 to persons subject to service discipline.

(1) Sections 5 to 10 of this Act, in their application to persons subject to service discipline, apply outside as well as within Great Britain and have effect as if—

(a) references to proceedings for an offence under any enactment included references to proceedings for the corresponding service offence,

(b) references to the court included a reference to any naval, military or air force authority before whom the proceedings take place,

(c) references to a constable included references to a member of the provost staff,

(d) references to a police station included references to a naval, military or air force unit or establishment,

(e) references to a hospital included references to a naval, military or air force unit or establishment at which medical or surgical treatment is provided for persons subject to service discipline, and

(f) **[**F661in section 6 a reference to a traffic offence**]** included a reference to the corresponding service offence.

(2) In relation to persons for the time being subject to service discipline, the power to arrest conferred on a constable by section 4(6) of this Act is also exercisable by a member of the provost staff and is so exercisable outside as well as within Great Britain.

(3) In this section—

"corresponding service offence", in relation to an offence under any enactment, means an offence under section 42 of the M67Naval Discipline Act 1957 or an offence against section 70 of the M68Army Act 1955 or section 70 of the M69Air Force Act 1955 committed by an act or omission which is punishable under that enactment or would be so punishable if committed in Great Britain,

"member of the provost staff" means a provost officer or any person legally exercising authority under or on behalf of a provost officer,

"persons subject to service discipline" means persons subject to that Act of 1957, to military law or to air force law and other persons to whom section 42 of that Act of 1957 or section 70 of either of those Acts of 1955 for the time being applies,

"provost officer" means a person who is a provost officer within the meaning of that Act of 1957 or either of those Acts of 1955.

Textual Amendments
F661 Words in s. 184(1)(f) substituted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 107, 121, **Sch. 7 para. 6**; S.I. 2004/827, **art. 3**

Marginal Citations
M67 1957 c. 53.

Status: *Point in time view as at 30/03/2004. This version of this Act contains provisions that are not valid for this point in time.*
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M68 1955 c. 18.
M69 1955 c. 19.

Interpretation

185 Meaning of "motor vehicle" and other expressions relating to vehicles.

(1) In this Act—

"heavy locomotive" means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the excepted articles and the weight of which unladen exceeds 11690 kilograms,

"heavy motor car" means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds 2540 kilograms,

"invalid carriage" means a mechanically propelled vehicle the weight of which 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 defect or disability and is used solely by such a person,

"light locomotive" means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the excepted articles and the weight of which unladen does not exceed 11690 kilograms but does exceed 7370 kilograms,

"motor car" means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen—

(a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver and is fitted with tyres of such type as may be specified in regulations made by the 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,

(c) does not exceed 2540 kilograms in a case not falling within sub-paragraph (a) or (b) above,

"motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms,

"motor tractor" means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the excepted articles, and the weight of which unladen does not exceed 7370 kilograms,

"motor vehicle" means, subject to section 20 of the [M70]Chronically Sick and Disabled Persons Act 1970 (which makes special provision about invalid carriages, within the meaning of that Act), a mechanically propelled vehicle intended or adapted for use on roads, and

"trailer" means a vehicle drawn by a motor vehicle.

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(2) In subsection (1) above "excepted articles" means any of the following: water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment.

Modifications etc. (not altering text)
C175 Ss. 185, 186 applied by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **s. 98(2)**

Marginal Citations
M70 1970 c. 44.

186 Supplementary provisions about those expressions.

(1) For the purposes of section 185 of this Act, a side car attached to a motor vehicle, if it complies with such conditions as may be specified in regulations made by the Secretary of State, is to be regarded as forming part of the vehicle to which it is attached and as not being a trailer.

(2) For the purposes of section 185 of this Act, in a case where a motor vehicle is so constructed that a trailer may by partial super-imposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle is to be deemed to be a vehicle itself constructed to carry a load.

(3) For the purposes of section 185 of this Act, 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 is not to be deemed to constitute a load or goods or burden of any description, but is to 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 185 of this Act.

(5) Regulations under subsection (4) above 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 the provisions of the Road Traffic Acts and of all regulations made under those provisions or for such of those purposes as may be so specified.

(6) Nothing in section 86 of the [M71]Road Traffic Regulation Act 1984 limits the powers conferred by subsection (4) above.

Modifications etc. (not altering text)
C176 Ss. 185, 186 applied by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **s. 98(2)**

Marginal Citations
M71 1984 c. 27.

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187 Articulated vehicles.

(1) Unless it falls within subsection (2) below, a vehicle so constructed that it can be divided into two parts both of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of the enactments mentioned in subsection (3) below as that motor vehicle with the other part attached as a trailer.

(2) A passenger vehicle so constructed that—

(a) it can be divided into two parts, both of which are vehicles and one of which is a motor vehicle, but cannot be so divided without the use of facilities normally available only at a workshop, and

(b) passengers carried by it when not so divided can at all times pass from either part to the other,

shall (when not so divided) be treated for the purposes of the enactments mentioned in subsection (3) below as a single motor vehicle.

(3) The enactments referred to in subsections (1) and (2) above are the [M72]Road Traffic Act 1960, Parts I and II of the [M73]Public Passenger Vehicles Act 1981, and the Traffic Acts.

(4) In this section "passenger vehicle" means a vehicle constructed or adapted for use solely or principally for the carriage of passengers.

Marginal Citations
M72 1960 c. 16.
M73 1981 c. 14.

188 Hover vehicles.

(1) For the purposes of the Road Traffic Acts, a hovercraft within the meaning of the [M74]Hovercraft Act 1968 (in this section referred to as a hover vehicle)—

(a) is a motor vehicle, whether or not it is intended or adapted for use on roads, but

(b) apart from that is to be treated, subject to subsection (2) below, as not being a vehicle of any of the classes defined in section 185 of this Act.

(2) The Secretary of State may by regulations provide—

(a) that any provisions of this Act which would otherwise apply to hover vehicles shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations, or

(b) that any such provision which would not otherwise apply to hover vehicles shall apply to them subject to such modifications (if any) as may be specified in the regulations.

Marginal Citations
M74 1968 c. 59.

189 Certain vehicles not to be treated as motor vehicles.

(1) For the purposes of the Road Traffic Acts—

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(a) a mechanically propelled vehicle being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose,

(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 section 140 of the [M75]Road Traffic Regulation Act 1984, and

(c) an electrically assisted pedal cycle of such a class as may be prescribed by regulations so made,

is to be treated as not being a motor vehicle.

(2) In subsection (1) above "controlled by a pedestrian" means that the vehicle either—

(a) is constructed or adapted for use only under such control, or

(b) is constructed or adapted for use either under such control or under the control of a person carried on it, but is not for the time being in use under, or proceeding under, the control of a person carried on it.

Modifications etc. (not altering text)
C177 S. 189 applied (12.11.2009) by Access to Justice Act 1999 (c. 22), Sch. 3A para. 8 (as inserted by Coroners and Justice Act 2009 (c. 25), ss. 152, 182(1)(g), **Sch. 18** (with s. 180))

Marginal Citations
M75 1984 c. 27.

190 Method of calculating weight of motor vehicles and trailers.

(1) This section applies for the purposes of the Traffic Acts and of any other enactments relating to the use of motor vehicles or trailers on roads.

(2) The weight unladen of a vehicle or trailer shall be taken to be the weight of the vehicle or trailer—

(a) inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle or trailer when working on a road, but

(b) exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle or, as the case may be, of any vehicle by which the trailer is drawn, and of loose tools and loose equipment.

Modifications etc. (not altering text)
C178 S. 190 restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with reg. 11).

191 Interpretation of statutory references to carriages.

A motor vehicle or trailer—

(a) is to be deemed to be a carriage within the meaning of any Act of Parliament, whether a public general Act or a local Act, and of any rule, regulation or byelaw made under any Act of Parliament, and

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(b) if used as a carriage of any particular class shall for the purpose of any enactment relating to carriages of any particular class be deemed to be a carriage of that class.

Modifications etc. (not altering text)
C179 S. 191 restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with reg. 11).

192 General interpretation of Act.

(1) In this Act—

"bridleway" means a way over which the public have the following, but no other, rights of way: 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,

"carriage of goods" includes the haulage of goods,

"cycle" means a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor vehicle,

"driver", where a separate person acts as a steersman of a motor vehicle, includes (except for the purposes of section 1 of this Act) that person as well as any other person engaged in the driving of the vehicle, and "drive" is to be interpreted accordingly,

"footpath", in relation to England and Wales, means a way over which the public have a right of way on foot only,

"goods" includes goods or burden of any description,

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted,

[F662"highway authority", in England and Wales, means—

(a) in relation to a road for which he is the highway authority within the meaning of the Highways Act 1980, the Secretary of State, and

(b) in relation to any other road, the council of the county, metropolitan district or London borough, or the Common Council of the City of London, as the case may be;**]**

"international road haulage permit" means a licence, permit, authorisation or other document issued in pursuance of a Community instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road,

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

F663 . . .

"prescribed" means prescribed by regulations made by the Secretary of State,

"road"

(a) F664 , in relation to England and Wales, means any highway and any other road to which the public has access, and includes bridges over which a road passes, **[**F665and

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(b) in relation to Scotland, means any road within the meaning of the Roads (Scotland) Act 1984 and any other way to which the public has access, and includes bridges over which a road passes,**]**

"the Road Traffic Acts" means the [M76]Road Traffic Offenders Act 1988, the [M77]Road Traffic (Consequential Provisions) Act 1988 (so far as it reproduces the effect of provisions repealed by that Act) and this Act,

"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),

"the Traffic Acts" means the Road Traffic Acts and the [M78]Road Traffic Regulation Act 1984,

"traffic sign" has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984,

"tramcar" includes any carriage used on any road by virtue of an order under the [M79]Light Railways Act 1896, and

"trolley vehicle" means a mechanically propelled vehicle adapted for use on roads without rails **[**[F666]under**]** power transmitted to it from some external source **[**[F667](whether or not there is in addition a source of power on board the vehicle)**]**.

[[F668](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; and

(b) 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) In this Act—

"carriageway"

"footway"

"local roads authority"

"public road"

[F669]. . .

"roads authority"

"special road" and

"trunk road",

in relation to Scotland, have the same meanings as in the [M80]Roads (Scotland) Act 1984, and "footpath", in relation to Scotland, means a way over which the public have a right of way on foot only (whether or not associated with a carriageway).

(3) References in this Act to a class of vehicles are to be interpreted as references to a class defined or described by reference to any characteristics of the vehicles or to any other circumstances whatsoever **[**[F670]and accordingly as authorising the use of "category" to indicate a class of vehicles, however defined or described**]**.

Textual Amendments

F662 Definition in s. 192(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 107:1), s. 168(1), **Sch. 8 para. 121(4)**(with s. 25(2)); S.I. 1991/2288, art. 3, **Sch.**

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F663 Definition of "petty sessions area" in s. 192(1) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

F664 In s. 192(1) in the definition of "road", "(a)" inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 78(2)(a)**; S.I. 1992/1286, art. 2, **Sch.**

F665 In s. 192(1) in definition of "road" para. (b) and preceding word inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 78(2)(b)**; S.I. 1992/1286, art. 2, **Sch.**

F666 In s. 192(1) in the definition of "trolley vehicle" word substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 78(3)**; S.I. 1992/1286, art. 2, **Sch.**

F667 In s. 192(1) in the definition of "trolley vehicle" words added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 78(3)**; S.I. 1992/1286, art. 2, **Sch.**

F668 S. 192(1A) inserted (1.4.1996) by 1994 c. 22,s. 22(1), Sch. 7 Pt. II para. 40(1); S.I. 1996/396, art. 3, **Sch. 1**

F669 Word in s. 192(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1) , ss. 48, 83, Sch. 4 para. 78(4), Sch. 8; S.I. 1992/1286, art. 2, **Sch.**

F670 Words in s. 192(3) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 24**

Marginal Citations

M76 1988 c. 53.
M77 1988 c. 54.
M78 1984 c. 27.
M79 1896 c. 48.
M80 1984 c. 54.

[F671 192A Tramcars and other guided vehicles: drink and drugs.

(1) Sections 4 to 11 of this Act shall not apply (to the extent that apart from this subsection they would) to vehicles on any transport system to which Chapter I of Part II of the Transport and Works Act 1992 (offences involving drink or drugs on railways, tramways and certain other guided transport systems) applies.

(2) Subject to subsection (1) above, the Secretary of State may by regulations provide that sections 4 to 11 of this Act shall apply to vehicles on a system of guided transport specified in the regulations with such modifications as he considers necessary or expedient.

(3) Regulations under subsection (2) above may make different provision for different cases.

(4) In this section—

"guided transport" means transport by vehicles guided by means external to the vehicles (whether or not the vehicles are also capable of being operated in some other way), and

"vehicle" includes mobile traction unit.**]**

Textual Amendments

F671 S. 192A inserted (7.12.1992) by Transport and Works Act 1992 (c. 42), **s. 39**; S.I. 1992/2043, **art. 2(a)**

F672 193 . . . . . .

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Textual Amendments

F672 S. 193 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.

[F673 193A Tramcars and trolley vehicles.

(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—

(a) sections 12, 40A to 42, 47, 48, 66, 68 to 73, 75 to 79, 83, 87 to 109, 143 to 165, 168, 170, 171, 178, 190 and 191 of this Act, and

(b) sections 1, 2, 7, 8, 22, 25 to 29, 31, 32, 34 to 48 **[**F674 91A, 91B**]**, 96 and 97 of the Road Traffic Offenders Act 1988 (provisions requiring warning of prosecution etc and provisions connected with the licensing of drivers).

(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.

Textual Amendments

F673 S. 193A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**

F674 Words in s. 193A inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 35**

194 General index.

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Act listed in the right-hand column in relation to those expressions.

Expression	*Relevant provision*
Bridleway	Section 192
Carriage of goods	Section 192

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Carriageway	Section 192
Cycle	Section 192
Drive	Section 192
Driver	Section 192
Footpath	Section 192
Footway	Section 192
Goods	Section 192
Goods vehicle	Section 192
Goods vehicle test certificate	Section 49(2)(b)
Heavy locomotive	Section 185
Heavy motor car	Section 185
Highway authority	Section 192
International road haulage permit	Section 192
Invalid carriage	Section 185
Light locomotive	Section 185
Local roads authority	Section 192
Motor car	Section 185
Motor cycle	Section 185
Motor tractor	Section 185
Motor vehicle	Sections 185, 186(1), 187, 188, 189
Owner	Section 192
Plating certificate	Section 49(2)(a)
Prescribed	Section 192
Public road	Section 192
Road	Section 192
Roads authority	Section 192
Road Traffic Acts	Section 192
Special road	Section 192
Statutory	Section 192
Test certificate	Section 45(2)
Traffic Acts	Section 192
Traffic sign	Section 192
Trailer	Section 185
Tramcar	Section 192
Trolley vehicle	Section 192

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Trunk road	Section 192
Unladen weight	Section 190

Supplementary

195 Provisions as to regulations.

(1) Any power conferred by this Act upon the Secretary of State to make regulations shall be exercisable by statutory instrument.

(2) Before making any regulations under this Act (other than regulations under section 88(3) or Part V) the Secretary of State must consult with such representative organisations as he thinks fit.

(3) A statutory instrument whereby any power conferred by this Act upon the Secretary of State to make regulations is exercised (other than the power conferred by sections 8(3), 11(2), 14, 15 (where exercisable for the purposes of subsection (3) **[**F675or 3(A)**]** of that section) or 189) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The Secretary of State must not make any regulations under section 8(3), 11(2), 14 or (where made for the purposes of subsection (3) **[**F675or (3A)**]** of that section) 15 of this Act unless a draft of the regulations has been approved by both Houses of Parliament.

(5) Regulations under section 189 of this Act shall not have effect unless approved by resolution of each House of Parliament.

Textual Amendments

F675 Words in s. 195(3)(4) inserted (2.2.1993) by S.I. 1992/3105, **reg.4**.

196 Provision, etc., of weighbridges.

(1) A highway authority may—

(a) provide, erect, maintain and operate, or join with another highway authority in providing, erecting, maintaining and operating, weighbridges or other machines for weighing vehicles, or

(b) contribute towards the cost of the provision, erection, maintenance and operation of any such weighbridge or other machine by any other authority or person.

(2) The Secretary of State may exercise the powers conferred by subsection (1) above whether or not in his capacity as highway authority, but may provide, erect, maintain and operate any such machine on a road for which he is not the highway authority only with the consent of the highway authority.

(3) Accordingly the presence of any such machine on a road in consequence of the exercise of those powers by virtue of subsection (2) above (as in any other case) shall not be taken to be an obstruction of the road.

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(4) The provision or erection, or the making of a contribution towards the provision or erection, of any such weighbridge or other machine shall be a purpose for which the highway authority may borrow.

(5) In relation to Scotland, references in this section to a highway authority are to be read as references to a roads authority.

197 Short title, commencement and extent.

(1) This Act may be cited as the Road Traffic Act 1988.

(2) This Act shall come into force, subject to the transitory provisions in Schedule 5 to the [M81]Road Traffic (Consequential Provisions) Act 1988, at the end of the period of six months beginning with the day on which it is passed.

(3) This Act, except section 80 and except as provided by section 184, does not extend to Northern Ireland.

Marginal Citations
M81 1988 c. 54.

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SCHEDULES

SCHEDULE 1

Sections [F676 15A,] 17 and 18.

SUPPLEMENTARY PROVISIONS IN CONNECTION WITH PROCEEDINGS FOR OFFENCES UNDER SECTIONS [F676 15A,] 17 AND 18(4)

Textual Amendments

F676 Words in the heading to Sch. 1 inserted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s.2(1)**

Proceedings in England and Wales

1 (1) A person against whom proceedings are brought in England and Wales for an offence under section [F677 15A,] 17 or 18(4) of this Act is, upon information duly laid by him and on giving the prosecution not less than three clear days' notice of his intention, entitled to have any person to whose act or default he alleges that the contravention of that section was due brought before the court in the proceedings.

(2) If, after the contravention has been proved, the original accused proves that the contravention was due to the act or default of that other person—

(a) that other person may be convicted of the offence, and

(b) if the original accused further proves that he has used all due diligence to secure that section [F677 15A,] 17 or, as the case may be, 18(4) was complied with, he shall be acquitted of the offence.

(3) Where an accused seeks to avail himself of the provisions of sub-paragraphs (1) and (2) above—

(a) the prosecution, as well as the person whom the accused charges with the offence, has the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence, and

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party to the proceedings.

Textual Amendments

F677 Words in Sch. 1 para. 1 (1)(2)(b) inserted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 2(1)**

2 (1) Where—

(a) it appears that an offence under section [F678 15A,] 17 or 18(4) of this Act has been committed in respect of which proceedings might be taken in England and Wales against some person (referred to below in this paragraph as "the original offender"), and

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(b) a person proposing to take proceedings in respect of the offence is reasonably satisfied—

(i) that the offence of which complaint is made was due to an act or default of some other person, being an act or default which took place in England and Wales, and

(ii) that the original offender could establish a defence under paragraph 1 of this Schedule,

the proceedings may be taken against that other person without proceedings first being taken against the original offender.

(2) In any such proceedings the accused may be charged with, and on proof that the contravention was due to his act or default be convicted of, the offence with which the original offender might have been charged.

Textual Amendments

F678 Words in Sch. 1 para. 2(1) inserted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 2(1)**

3 (1) Where proceedings are brought in England and Wales against a person (referred to below in this paragraph as "the accused") in respect of a contravention of section **[**F679 15A,**]** 17 or 18(4) of this Act and it is proved—

(a) that the contravention was due to the act or default of some other person, being an act or default which took place in Scotland, and

(b) that the accused used all due diligence to secure compliance with that section,

the accused shall, subject to the provisions of this paragraph, be acquitted of the offence.

(2) The accused is not entitled to be acquitted under this paragraph unless within seven days from the date of the service of the summons on him—

(a) he has given notice in writing to the prosecution of his intention to rely upon the provisions of this paragraph, specifying the name and address of the person to whose act or default he alleges that the contravention was due, and

(b) he has sent a like notice to that person.

(3) The person specified in a notice served under this paragraph is entitled to appear at the hearing and to give evidence and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

(4) Where it is proved that the contravention of section **[**F679 15A,**]** 17 or 18(4) of this Act was due to the act or default of some person other than the accused, being an act or default which took place in Scotland, the court must (whether or not the accused is acquitted) cause notice of the proceedings to be sent to the Secretary of State.

Textual Amendments

F679 Words in Sch. 1 para. 3(1)(4) inserted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 2(1)**

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Proceedings in Scotland

4 (1) Where a contravention of section **[**F680 15A,**]** 17 or 18(4) of this Act committed by a person in Scotland (referred to in this sub-paragraph as "the original offender") was due to the act or default of any other person, being an act or default which took place in Scotland then, whether or not proceedings are taken against the original offender, that other person may be charged with and convicted of the contravention and shall be liable on conviction to the same punishment as might have been inflicted on the original offender if he had been convicted of the contravention.

(2) Where a person (referred to in this sub-paragraph as "the accused") who is charged in Scotland with a contravention of section **[**F680 15A,**]** 17 or 18(4) of this Act proves to the satisfaction of the court—

(a) that he used all due diligence to secure that the provision in question was complied with, and

(b) that the contravention was due to the act or default of some other person,

the accused shall be acquitted of the contravention.

Textual Amendments

F680 Words in Sch. 1 para. 4(1)(2) inserted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 2(1)**

Proceedings in Great Britain

5 **[**F681 (1A) Subject to the provisions of this paragraph, in any proceedings (whether in England and Wales or Scotland) for an offence under section 15A of this Act it shall be a defence for the accused to prove—

(a) if the offence is under subsection (3)(a) of that section—

(i) that he purchased the equipment in question as being of a type which could be lawfully sold or offered for sale as conducive to the safety in the event of accident of prescribed classes of children in prescribed classes of motor vehicles and with a written warranty to that effect;

(ii) that he had no reason to believe at the time of the commission of the alleged offence that it was not of such a type; and

(iii) that it was then in the same state as when he purchased it;

(b) if the offence is under subsection (3)(b) of that section, he provided information in relation to the equipment and it is alleged that it did not include appropriate information or included or consisted of inappropriate information—

(i) that the information provided by him was information which had been provided to him with a written warranty to the effect that it was the information required to be provided by him under section 15A of this Act; and

(ii) that he had no reason to believe at the time of the commission of the alleged offence that the information provided by him was not the information required to be provided under that section; or

(c) if the offence is under subsection (3)(b) of that section, he provided information in relation to the equipment and it is alleged that it was not provided in the manner required under that section—

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(i) that the information provided by him had been provided to him either with a written warranty to the effect that it was provided to him in the manner in which it was required to be provided by him under that section or with instructions as to the manner in which the information should be provided by him and with a written warranty to the effect that provision in that manner would comply with regulations under that section;

(ii) that he had no reason to believe at the time of the commission of the alleged offence that he was not providing the information in the manner required under that section; and

(iii) that the information was then in the same state as when it was provided to him or, as the case may be, that it was provided by him in accordance with the instructions given to him.**]**

(1) Subject to the provisions of this paragraph, in any proceedings (whether in England and Wales or Scotland) for an offence under section 17 or 18(4) of this Act it shall be a defence for the accused to prove—

(a) that he purchased the helmet or appliance in question as being of a type which—

(i) in the case of section 17, could be lawfully sold or offered for sale under that section, and

(ii) in the case of section 18(4), could be lawfully sold or offered for sale under section 18 as authorised for use in the manner in question,

and with a written warranty to that effect, and

(b) that he had no reason to believe at the time of the commission of the alleged offence that it was not of such a type, and

(c) that it was then in the same state as when he purchased it.

(2) A warranty is only a defence in any such proceedings if—

(a) the accused—

(i) has, not later than three clear days before the date of the hearing, sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and

(ii) has also sent a like notice of his intention to that person, and

(b) in the case of a warranty given by a person outside the United Kingdom, the accused proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained in the warranty.

(3) Where the accused is a servant of the person who purchased the **[**[F682]equipment, helmet or appliance in question under a warranty, or to whom the information in question was provided**]** under a warranty, he is entitled to rely on the provisions of this paragraph in the same way as his employer would have been entitled to do if he had been the accused.

(4) The person by whom the warranty is alleged to have been given is entitled to appear at the hearing and to give evidence and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

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Textual Amendments

F681 Sch. 1 para. 5(1A) inserted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 2(2)**

F682 Words in Sch. 1 para. 5(3) substituted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 2(3)**

[F683 6 (1) An accused who in any proceedings for an offence under section 15A, 17 or 18(4) of this Act wilfully applies to equipment, information, a helmet or, as the case may be, an appliance a warranty not given in relation to it is guilty of an offence.

(2) A person who, in respect of equipment, a helmet or an appliance sold by him, or information provided by him, being equipment, a helmet, an appliance or information in respect of which a warranty might be pleaded under paragraph 5 of this Schedule, gives to the purchaser a false warranty in writing, is guilty of an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained in it were accurate.

(3) Where the accused in a prosecution for an offence under section 15A, 17 or 18(4) of this Act relies successfully on a warranty given to him or his employer, any proceedings under sub-paragraph (2) above in respect of the warranty may, at the option of the prosecutor, be taken before a court having jurisdiction in the place—

(a) where the equipment, helmet or appliance, or any of the equipment, helmets or appliances, to which the warranty relates was procured;

(b) where the information, or any of it, to which the warranty relates was provided; or

(c) where the warranty was given.**]**

Textual Amendments

F683 Sch. 1 paras. 6 and 7 substituted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 2(4)**

F684 7 In this Schedule, "equipment" means equipment to which section 15A of this Act applies and "appliance" means an appliance to which section 18 of this Act applies.

Textual Amendments

F684 Sch. 1 paras. 6 and 7 substituted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 2(4)**

SCHEDULE 2

Section 67.

DEFERRED TESTS OF CONDITION OF VEHICLES

1 Where the driver is the owner of the vehicle, he may at the time of electing that the test shall be deferred—

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(a) specify a period of seven days within which the deferred test is to take place, being a period falling within the next thirty days, disregarding any day on which the vehicle is outside Great Britain, and

(b) require that the deferred test shall take place on premises then specified by him where the test can conveniently be carried out or that it shall take place in such area in England [F685]. . ., being a county district or Greater London **[**[F686]in such county or county borough in Wales**]**, or such area in Scotland, being **[**[F687]the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]** , as he may specify at that time.

Textual Amendments

F685 Words in Sch. 2 para. 1(b) repealed (1.4.1996) by 1994 c. 19, s. 22(1), 66(8), Sch. 7, Pt. II para. 40(2), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, arts. 3, 4, Sch. 1, **Sch. 2**

F686 Words in Sch. 2 para. 1(b) inserted (1.4.1996) by 1994, c. 19, s. 22(1), Sch. 40(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F687 Words in Sch. 2 para. 1(b) substituted (S.) (1.4.1996) by S.I. 1994, c. 39, s. 180(1), Sch. 13 para. 159(9); S.I. 1996/323, **art. 3(b)**

2 When the driver is not the owner of the vehicle he shall inform the examiner of the name and address of the owner of the vehicle and the owner shall be afforded an opportunity of specifying such a period, and such premises or area.

3 (1) Where under the preceding provisions of this Schedule a period has been specified within which the deferred test is to be carried out, the time for carrying it out shall be such time within that period as may be notified, being a time not earlier than two days after the giving of the notification.

(2) Where no such period has been specified, the time for the carrying out of the deferred test shall be such time as may be notified, being a time not earlier than seven days after the giving of the notification.

(3) Where premises have been specified under the preceding provisions of this Schedule for the carrying out of the deferred test, and the test can conveniently be carried out on those premises, it must be carried out there.

(4) Where sub-paragraph (3) above does not apply, the place for carrying out the deferred test shall be such place as may be notified with the notification of the time for the carrying out of the test, and where an area has been so specified the place shall be a place in that area.

(5) Notwithstanding the preceding provisions of this paragraph, the time and place for the carrying out of the deferred test may be varied by agreement between an authorised examiner and the owner of the vehicle.

(6) In this paragraph—

"notified" means notified in writing to the owner of the vehicle on behalf of the Secretary of State, and

"notification" shall be construed accordingly,

and any notification under this paragraph may be given by post.

4 The owner of the vehicle must produce it, or secure its production, at the time and place fixed for the carrying out of the deferred test.

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5 (1) References in this Schedule to the owner of a vehicle are references to the owner of the vehicle at the time at which the election is made under section 67(6) of this Act that the test should be deferred.

(2) For the purposes of this Schedule—

(a) subject to sub-paragraph (b) below, if at the time at which that election is made the vehicle is in the possession of a person under a hire-purchase agreement or hiring agreement, that person shall be deemed to be the owner of the vehicle to the exclusion of any other person,

(b) if at that time the vehicle is being used under an international circulation permit, the person to whom the permit was issued shall be deemed to be the owner of the vehicle to the exclusion of any other person.

VALID FROM 04/02/2011

[F688SCHEDULE 2A

Section 144D

OFFENCE OF KEEPING VEHICLE WHICH DOES NOT MEET INSURANCE REQUIREMENTS: IMMOBILISATION, REMOVAL AND DISPOSAL OF VEHICLES

Textual Amendments

F688 Sch. 2A inserted (prosp.) after Sch. 2 by virtue of Road Safety Act 2006 (c. 49), ss. 22(3), 61, **Sch. 5**

Immobilisation

1 (1) Regulations may make provision with respect to any case where an authorised person has reason to believe that, on or after such date as may be prescribed, an offence under section 144A of this Act is being committed as regards a vehicle which is stationary on a road or other public place.

(2) The regulations may provide that the authorised person or a person acting under his direction may—

(a) fix an immobilisation device to the vehicle while it remains in the place where it is stationary, or

(b) move it from that place to another place on the same or another road or public place and fix an immobilisation device to it in that other place.

(3) The regulations may provide that on any occasion when an immobilisation device is fixed to a vehicle in accordance with the regulations the person fixing the device must also fix to the vehicle a notice—

(a) indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device,

(b) specifying the steps to be taken to secure its release, and

(c) giving such other information as may be prescribed.

(4) The regulations may provide that a vehicle to which an immobilisation device has been fixed in accordance with the regulations—

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(a) may only be released from the device by or under the direction of an authorised person, but

(b) subject to that, must be released from the device if the first and second requirements specified below are met.

(5) The first requirement is that such charge in respect of the release as may be prescribed is paid in any manner specified in the immobilisation notice.

(6) The second requirement is that, in accordance with instructions specified in the immobilisation notice, there is produced such evidence as may be prescribed establishing—

(a) that any person who proposes to drive the vehicle away will not in doing so be guilty of an offence under section 143 of this Act, and

(b) that the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994 is not guilty of an offence under section 144A of this Act as regards the vehicle.

(7) The regulations may provide that they do not apply in relation to a vehicle if—

(a) a current disabled person's badge is displayed on the vehicle, or

(b) such other conditions as may be prescribed are fulfilled,

and "disabled person's badge" means a badge issued, or having effect as if issued, under any regulations for the time being in force under section 21 of the Chronically Sick and Disabled Persons Act 1970.

(8) The regulations may provide that an immobilisation notice is not to be removed or interfered with except by or on the authority of a person falling within a prescribed description.

Offences connected with immobilisation

2 (1) The regulations may provide that a person contravening provision made under paragraph 1(8) above is guilty of an offence.

(2) The regulations may provide that a person who, without being authorised to do so in accordance with provision made under paragraph 1 above, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with the regulations is guilty of an offence.

(3) The regulations may provide that where they would apply in relation to a vehicle but for provision made under paragraph 1(7)(a) above and the vehicle was not, at the time it was stationary, being used—

(a) in accordance with regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970, and

(b) in circumstances falling within section 117(1)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person's concession would be available),

the person in charge of the vehicle at that time is guilty of an offence.

(4) The regulations may provide that where—

(a) a person makes a declaration with a view to securing the release of a vehicle from an immobilisation device purported to have been fixed in accordance with the regulations,

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(b) the declaration is that no offence under section 144A of this Act is or was being committed as regards the vehicle, and

(c) the declaration is to the person's knowledge either false or in any material respect misleading,

he is guilty of an offence.

Removal and disposal of vehicles

3 (1) The regulations may make provision with respect to any case where—

(a) an authorised person has reason to believe that an offence under section 144A of this Act is being committed as regards a vehicle which is stationary on a road or other public place, and such conditions as may be prescribed are fulfilled, or

(b) an authorised person has reason to believe that such an offence was being committed as regards a vehicle at a time when an immobilisation device which is fixed to the vehicle was fixed to it in accordance with the regulations, and such conditions as may be prescribed are fulfilled.

(2) The regulations may provide that the authorised person, or a person acting under his direction, may remove the vehicle and deliver it into the custody of a person—

(a) who is identified in accordance with prescribed rules, and

(b) who agrees to accept delivery in accordance with arrangements agreed between that person and the Secretary of State,

and the arrangements may include provision as to the payment of a sum to the person into whose custody the vehicle is delivered.

(3) The regulations may provide that the person into whose custody the vehicle is delivered may dispose of it, and may in particular make provision as to—

(a) the time at which the vehicle may be disposed of, and

(b) the manner in which it may be disposed of.

(4) The regulations may make provision allowing a person to take possession of the vehicle if—

(a) he claims it before it is disposed of, and

(b) any prescribed conditions are fulfilled.

(5) The regulations may provide for a sum of an amount arrived at under prescribed rules to be paid to a person if—

(a) he claims after the vehicle's disposal to be or to have been its owner,

(b) the claim is made within a prescribed time of the disposal, and

(c) any other prescribed conditions are fulfilled.

(6) The regulations may provide that—

(a) the Secretary of State, or

(b) a person into whose custody the vehicle is delivered under the regulations,

may recover from the vehicle's owner (whether or not a claim is made under provision made under sub-paragraph (4) or (5) above) such charges as may be prescribed in respect of all or any of the following, namely its release, removal, custody and disposal; and "owner" means the person who was the owner when the vehicle was removed.

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(7) The conditions prescribed under sub-paragraph (4) above may include conditions as to—

(a) satisfying the person with custody that the claimant is the vehicle's owner,

(b) the payment of prescribed charges in respect of the vehicle's release, removal and custody,

(c) the production of such evidence as may be prescribed establishing that in driving the vehicle away the claimant will not be guilty of an offence under section 143 of this Act, and

(d) the production of such evidence as may be prescribed establishing that the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994 is not guilty of an offence under section 144A of this Act as regards the vehicle.

(8) The regulations may in particular include provision for purposes corresponding to those of sections 101 and 102 of the Road Traffic Regulation Act 1984 (disposal and charges) subject to such additions, omissions or other modifications as the Secretary of State thinks fit.

Offences as to securing possession of vehicles

4 The regulations may provide that where—

(a) a person makes a declaration with a view to securing possession of a vehicle purported to have been delivered into the custody of a person in accordance with provision made under paragraph 3 above,

(b) the declaration is that no offence under section 144A of this Act is or was being committed as regards the vehicle, and

(c) the declaration is to the person's knowledge either false or in any material respect misleading,

he is guilty of an offence.

Disputes

5 The regulations may make provision about the proceedings to be followed where a dispute occurs as a result of the regulations, and may in particular make provision—

(a) for an application to be made to a magistrates' court or (in Scotland) to the sheriff, or

(b) for a court to order a sum to be paid by the Secretary of State.

Authorised persons

6 As regards anything falling to be done under the regulations (such as receiving payment of a charge or other sum) the regulations may provide that it may be done—

(a) by an authorised person, or

(b) by an authorised person or a person acting under his direction.

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Application of Road Traffic Offenders Act 1988

7 The regulations may make provision for the application of any or all of sections 1, 6, 11 and 12(1) of the Road Traffic Offenders Act 1988 to an offence for which provision is made by the regulations.

Interpretation

8 (1) The regulations may make provision as to the meaning for the purposes of the regulations of "owner" as regards a vehicle.

(2) In particular, the regulations may provide that for the purposes of the regulations the owner of a vehicle is taken to be the person in whose name it is then registered under the Vehicle Excise and Registration Act 1994.

9 (1) The regulations may make provision as to the meaning in the regulations of "authorised person".

(2) In particular, the regulations may provide that—

(a) references to an authorised person are to a person authorised by the Secretary of State for the purposes of the regulations,

(b) an authorised person may be a local authority or an employee of a local authority or a member of a police force or some other person, and

(c) different persons may be authorised for the purposes of different provisions of the regulations.

10 In this Schedule—

(a) references to an immobilisation device are to a device or appliance which is an immobilisation device for the purposes of section 104 of the Road Traffic Regulation Act 1984 (immobilisation of vehicles illegally parked), and

(b) references to an immobilisation notice are to a notice fixed to a vehicle in accordance with the regulations.**]**

PROSPECTIVE

[F689SCHEDULE 2A

Section 15B**]**

FORM OF SEAT BELT SYMBOL FOR BUSES

Textual Amendments

F689 Sch. 2A inserted (18.9.2006) by The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), **reg. 5**

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F690 SCHEDULE 3

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Textual Amendments

F690 Sch. 3 repealed (1.4.2002) by 2000 c. 38, s. 274, **Sch. 31 Pt. V(1)**; S.I. 2002/658, art. 2(2), **Sch. Pt. 2** (with transitional provisions in art. 3(2))

F691 SCHEDULE 4

Textual Amendments

F691 Sch. 4 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.**

F692 1 . . . . . .

Textual Amendments

F692 Sch. 4 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.

F693 2 . . . . . .

Textual Amendments

F693 Sch. 4 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.

F694 3 . . . . . .

Textual Amendments

F694 Sch. 4 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.

F695 3A . . . . . .

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Textual Amendments

F695 Sch. 4 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.

F696 4 . . . . . .

Textual Amendments

F696 Sch. 4 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.

F697 5 . . . . . .

Textual Amendments

F697 Sch. 4 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.

F698 6 . . . . . .

Textual Amendments

F698 Sch. 4 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.

F699 7 . . . . . .

Textual Amendments

F699 Sch. 4 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.

F700 8 . . . . . .

Textual Amendments

F700 Sch. 4 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.

F701 9 . . . . . .

Textual Amendments

F701 Sch. 4 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.

F702 10 . . . . . .

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Textual Amendments

F702 Sch. 4 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.

F703 11 . . . . . .

Textual Amendments

F703 Sch. 4 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.

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