



Road Traffic Act 1988

1988 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

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.
- [^{F1}(2A) Before making any regulations under this Act the Scottish Ministers must consult with such representative organisations as they think 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 [^{F2}5A,]^{F3}... 11(2), 14, 15 (where exercisable for the purposes of subsection (3) [^{F4}or 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 [^{F5}5A,]^{F6}... 11(2), 14 or (where made for the purposes of subsection (3) [^{F4}or (3A)] of that section) 15 of this Act unless a draft of the regulations has been approved by both Houses of Parliament.
- [^{F7}(4A) Regulations made by the Scottish Ministers under section [^{F5}5A,]^{F8}... 11(2) are subject to the affirmative procedure.]
- (5) Regulations under section 189 of this Act shall not have effect unless approved by resolution of each House of Parliament.

Status: Point in time view as at 10/04/2015.

Changes to legislation: Road Traffic Act 1988, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 22 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

- F1** S. 195(2A) inserted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 20(9)**, 44(5); S.I. 2012/1710, art. 2(j)
- F2** Words in s. 195(3) inserted (2.3.2015 for E.W., 1.3.2018 for S.N.I.) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 56(3)**, 61(2); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2
- F3** Word in s. 195(3) omitted (10.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 1(3)(c)**; S.I. 2015/994, art. 4
- F4** Words in s. 195(3)(4) inserted (2.2.1993) by S.I. 1992/3105, **reg.4**.
- F5** Words in s. 195(4)(4A) inserted (2.3.2015 for E.W., 1.3.2018 for S.N.I.) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 56(3)**, 61(2); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2; S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2
- F6** Word in s. 195(4) omitted (10.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 1(3)(d)**; S.I. 2015/994, art. 4
- F7** S. 195(4A) inserted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 20(10)**, 44(5); S.I. 2012/1710, art. 2(j)
- F8** Words in s. 195(4A) omitted (10.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 11 para. 1(3)(e)**; S.I. 2015/994, art. 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.
- (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 ^{M1}Road Traffic (Consequential Provisions) Act 1988, at the end of the period of six months beginning with the day on which it is passed.

Status: Point in time view as at 10/04/2015.

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(3) This Act, except section 80 and except as provided by section 184, does not extend to Northern Ireland.

Marginal Citations

M1 1988 c. 54.

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