



# Road Traffic Act 1991

## 1991 CHAPTER 40

### PART I

#### GENERAL

##### *Miscellaneous*

#### **35 Disabled persons' badges.**

- (1) Section 21 of the <sup>M1</sup>Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons) shall be amended in accordance with subsections (2) to (5) below.
- (2) For subsections (2) and (3) there shall be substituted—
  - “(2) A badge may be issued to a disabled person of any prescribed description resident in the area of the issuing authority for one or more vehicles driven by him or used by him as a passenger.”
- (3) In subsection (4), the words “and any badge” onwards shall be omitted.
- (4) After subsection (4) there shall be inserted—
  - “(4A) A badge issued under this section may be displayed only in such circumstances and in such manner as may be prescribed.
  - (4B) A person who drives a motor vehicle on a road (within the meaning of the Road Traffic Act 1988) at a time when a badge of a form prescribed under this section is displayed on the vehicle is guilty of an offence unless the badge is issued under this section and displayed in accordance with regulations made under it.
  - (4C) A person guilty of an offence under subsection (4B) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (5) In subsection (5), the words “and in the case” onwards shall be omitted.

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*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Act 1991, Cross Heading: Miscellaneous. (See end of Document for details)*

(6) In section 117 of the <sup>M2</sup>Road Traffic Regulation Act 1984 (wrongful use of disabled person's badge) for subsections (1) and (2) there shall be substituted—

“(1) A person who at any time acts in contravention of, or fails to comply with, any provision of an order under this Act relating to the parking of motor vehicles is also guilty of an offence under this section if at that time—

(a) there was displayed on the motor vehicle in question a badge of a form prescribed under section 21 of the Chronically Sick and Disabled Persons Act 1970, and

(b) he was using the vehicle in circumstances where a disabled person's concession would be available to a disabled person's vehicle,

but he shall not be guilty of an offence under this section if the badge was issued under that section and displayed in accordance with regulations made under it.”

#### Commencement Information

**II** S. 35 wholly in force; s. 35(1) in force for certain purposes at 01.10.1991; s. 35(2)(5) in force at 01.10.1991 see s.84(2) and S.I.1991/2054, art. 3, Sch.; s. 35 wholly in force at 2.3.1992 by S.I. 1992/199, art. 3(1).

#### Marginal Citations

**M1** 1970 c. 44.

**M2** 1984 c. 27.

VALID FROM 01/07/1992

### 36 Forfeiture of vehicles.

In section 43 of the <sup>M3</sup>Powers of Criminal Courts Act 1973 (power to deprive offender of property used, or intended for use, for purposes of crime) after subsection (1A) there shall be inserted—

“(1B) Where a person commits an offence to which this subsection applies by—

(a) driving, attempting to drive, or being in charge of a vehicle, or

(b) failing to comply with a requirement made under section 7 of the Road Traffic Act 1988 (failure to provide specimen for analysis or laboratory test) in the course of an investigation into whether the offender had committed an offence while driving, attempting to drive or being in charge of a vehicle, or

(c) failing, as the driver of a vehicle, to comply with subsection (2) or (3) of section 170 of the Road Traffic Act 1988 (duty to stop and give information or report accident),

the vehicle shall be regarded for the purposes of subsection (1)(a) above (and subsection (4)(b) below) as used for the purpose of committing the offence (and for the purpose of committing any offence of aiding, abetting, counselling or procuring the commission of the offence).

(1C) Subsection (1B) above applies to—

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- (a) an offence under the Road Traffic Act 1988 which is punishable with imprisonment,
- (b) an offence of manslaughter, and
- (c) an offence under section 35 of the Offences against the Person Act 1861 (wanton and furious driving).”

#### Commencement Information

**I2** S. 36 wholly in force at 1.7.1992 see s. 84 and S.I. 1992/1286, art. 2, Sch.

#### Marginal Citations

**M3** 1973 c. 62.

VALID FROM 01/07/1992

#### 37 Forfeiture of vehicles: Scotland.

(1) In each of sections 223 and 436 of the <sup>M4</sup>Criminal Procedure (Scotland) Act 1975 (forfeiture of property) after subsection (1) there shall be inserted—

“(1A) Where a person commits an offence to which this subsection applies by—

- (a) driving, attempting to drive, or being in charge of a vehicle, or
- (b) failing to comply with a requirement made under section 7 of the Road Traffic Act 1988 (failure to provide specimen for analysis or laboratory test) in the course of an investigation into whether the offender had committed an offence while driving, attempting to drive or being in charge of a vehicle, or
- (c) failing, as the driver of a vehicle, to comply with subsections (2) or (3) of section 170 of the Road Traffic Act 1988 (duty to stop and give information or report accident),

the vehicle shall be regarded for the purposes of subsection (1)(a) above as used for the purpose of committing the offence.”

(2) In section 223 of that Act after subsection (1A) there shall be inserted—

“(1B) Subsection (1A) above applies to—

- (a) an offence under the Road Traffic Act 1988 which is punishable with imprisonment,
- (b) an offence of culpable homicide.”

(3) In section 436 of that Act after subsection (1A) there shall be inserted—

“(1B) Subsection (1A) above applies to an offence under the Road Traffic Act 1988 which is punishable with imprisonment.”

#### Commencement Information

**I3** S. 37 wholly in force at 1.7.1992 see s. 84 and S.I. 1992/1286, art. 2, Sch.

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#### Marginal Citations

M4 1975 c. 21.

VALID FROM 01/07/1992

#### 38 Disqualification where vehicle used for assault.

- (1) Section 44 of the <sup>M5</sup>Powers of Criminal Courts Act 1973 (disqualification by Crown Court where vehicle used for purposes of crime) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—
  - “(1A) This section also applies where a person is convicted by or before any court of common assault or of any other offence involving an assault (including an offence of aiding, abetting, counselling or procuring, or inciting to the commission of, an offence).”
- (3) In subsection (2) after the words “this section applies” there shall be inserted the words “ by virtue of subsection (1) above ”.
- (4) After subsection (2) there shall be inserted—
  - “(2A) If in a case to which this section applies by virtue of subsection (1A) above the court is satisfied that the assault was committed by driving a motor vehicle, the court may order the person convicted to be disqualified, for such period as the court thinks fit, for holding or obtaining such a licence.”

#### Commencement Information

I4 S. 38 wholly in force at 1.7.1992 see s. 84 and S.I. 1992/1286, art. 2, Sch.

#### Marginal Citations

M5 1973 c. 62.

VALID FROM 01/07/1992

#### 39 Disqualification in Scotland where vehicle used to commit offence.

After each of sections 223 and 436 of the <sup>M6</sup>Criminal Procedure (Scotland) Act 1975 there shall be added sections numbered 223A and 436A in the following terms—

- “0 Disqualification in Scotland where vehicle used to commit offence.
  - (1) Where a person is convicted of an offence (other than one triable only summarily) and the court which passes sentence is satisfied that a motor vehicle was used for the purpose of committing, or facilitating the commission of that offence, the court may order him to be disqualified for such period as the court thinks fit from holding or obtaining a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1988.

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- (2) A court which makes an order under this section disqualifying a person from holding or obtaining a licence shall require him to produce any such licence held by him and its counterpart.
- (3) Any reference in this section to facilitating the commission of an offence shall include a reference to the taking of any steps after it has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection.
- (4) In relation to licences which came into force before 1st June 1990, the reference in subsection (2) above to the counterpart of a licence shall be disregarded.”

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

**C1** S. 39 restricted (3.6.1992) by S.I. 1992/1286, **art 6(6)** (as amended by S.I. 1992/1410, **art. 2**)

**Commencement Information**

**I5** S. 39 wholly in force at 1.7.1992 see s. 84 and S.I. 1992/1286, **art. 2, Sch.**

**Marginal Citations**

**M6** 1975 c. 21.

VALID FROM 01/07/1992

**40 Power to install equipment for detection of traffic offences.**

- (1) In Part V of the <sup>M7</sup>Highways Act 1980 immediately before section 96 there shall be inserted—

**“95A Power to install equipment for detection of traffic offences.**

A highway authority may install and maintain on or near a highway structures and equipment for the detection of traffic offences.”

- (2) In Part IV of the <sup>M8</sup>Roads (Scotland) Act 1984 after section 49 there shall be inserted—

*“ Equipment for detection of traffic offences*

**49A Power to install equipment for detection of traffic offences.**

A roads authority may install and maintain on or near a road structures and equipment for the detection of traffic offences.”

**Commencement Information**

**I6** S. 40 wholly in force at 1.7.1992 see s. 84 and S.I. 1992/1286, **art. 2, Sch.**

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#### Marginal Citations

- M7** 1980 c. 66.  
**M8** 1984 c. 54.

VALID FROM 05/07/1993

#### 41 Variation of charges at off-street parking places.

After section 35B of the <sup>M9</sup>Road Traffic Regulation Act 1984 there shall be inserted—

##### “35C Variation of charges at off-street parking places.

- (1) Where an order under section 35(1)(iii) of this Act makes provision as to the charges to be paid in connection with the use of off-street parking places, the authority making that order may vary those charges by notice given under this section.
- (2) The variation of any such charges by notice is not to be taken to prejudice any power to vary those charges by order under section 35 of this Act.
- (3) The Secretary of State may by regulations make provision as to the procedure to be followed by any local authority giving notice under this section.
- (4) The regulations may, in particular, make provision with respect to—
  - (a) the publication, where an authority propose to give notice, of details of their proposal;
  - (b) the form and manner in which notice is to be given; and
  - (c) the publication of notices.
- (5) In giving any notice under this section a local authority shall comply with the regulations.”

#### Commencement Information

- I7** S. 41 wholly in force at 10.10.1997; s. 41 not in force at Royal Assent see s. 84(1); s. 41 in force at 5.7.1993 for England and Wales by S.I. 1993/1461 art. 2A (as amended by S.I. 1993/1686 art. 2) and at 10.10.1997 for Scotland at by S.I. 1997/2260, art. 2(a)

#### Marginal Citations

- M9** 1984 c. 27.

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*Changes to legislation:* There are currently no known outstanding effects for the Road Traffic Act 1991, Cross Heading: Miscellaneous. (See end of Document for details)

VALID FROM 05/07/1993

## 42 Variation of charges at designated parking places.

After section 46 of the Road Traffic Regulation Act 1984 (which deals with charges at, and regulation of, parking places) there shall be inserted—

### “46A Variation of charges at designated parking places.

- (1) Where, by virtue of section 46 of this Act, any charges have been prescribed by a designation order or by an order under that section, the authority making that order may vary those charges by notice given under this section.
- (2) The variation of any such charges by notice is not to be taken to prejudice any power to vary those charges by order under section 46 of this Act.
- (3) The Secretary of State may by regulations make provision as to the procedure to be followed by any local authority giving notice under this section.
- (4) The regulations may, in particular, make provision with respect to—
  - (a) the publication, where an authority propose to give notice, of details of their proposal;
  - (b) the form and manner in which notice is to be given; and
  - (c) the publication of notices.
- (5) In giving any notice under this section a local authority shall comply with the regulations.”

### Commencement Information

- I8** S. 42 partly in force; s. 42 not in force at Royal Assent see s. 84(1); s. 42 in force at 5.7.1993 for England and Wales by S.I. 1993/1461 art. 2A (as amended by S.I. 1993/1686 art. 2) and at 10.10.1997 for Scotland by S.I. 1997/2260, art. 2(b)

## 43 Permitted and special parking areas outside London.

- (1) Schedule 3 shall have effect for the purpose of making provision with respect to areas outside London corresponding to that made with respect to London, and areas within London, under sections 63 to 79 of this Act.
- (2) In this section “London” has the same meaning as it has in Part II of this Act.

### Modifications etc. (not altering text)

- C2** S. 43: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

### Commencement Information

- I9** S. 43 wholly in force at 16.6.1997; s. 43 in force at 10.10.1991 for England and Wales by S.I. 1991/2054, art. 3, Sch. and at 16.6.1997 for Scotland by S.I. 1997/1580, art. 2(a)

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#### 44 Parking attendants.

(1) After section 63 of the <sup>M10</sup>Road Traffic Regulation Act 1984, there shall be inserted—

*“ Parking attendants*

##### **63A Parking attendants.**

- (1) A local authority may provide for the supervision of parking places within their area by individuals to be known as parking attendants.
- (2) Parking attendants shall also have such other functions in relation to stationary vehicles as may be conferred by or under any other enactment.
- (3) A parking attendant shall be—
  - (a) an individual employed by the authority; or
  - (b) where the authority have made arrangements with any person for the purposes of this section, an individual employed by that person to act as a parking attendant.
- (4) Parking attendants in Greater London shall wear such uniform as the Secretary of State may determine when exercising prescribed functions, and shall not exercise any of those functions when not in uniform.
- (5) In this section “local authority” and “parking place” have the meanings given by section 32(4) of this Act.”

(2) In section 35 of that Act (provisions as to use of parking places provided under section 32 or 33), subsection (9) shall be omitted.

#### **Commencement Information**

**I10** S. 44 wholly in force at 01.10.1991 see s.84(2) and S.I. 1991/2054, art. 3, Sch..

#### **Marginal Citations**

**M10** 1984 c. 27.

VALID FROM 01/07/1992

#### 45 Variable speed limits.

- (1) Section 84 of the Road Traffic Regulation Act 1984 (speed limits on roads other than restricted roads), shall be amended as follows.
- (2) For subsection (1) there shall be substituted—
  - “(1) An order made under this subsection as respects any road may prohibit—
    - (a) the driving of motor vehicles on that road at a speed exceeding that specified in the order,
    - (b) the driving of motor vehicles on that road at a speed exceeding that specified in the order during periods specified in the order, or



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- (c) the driving of motor vehicles on that road at a speed exceeding the speed for the time being indicated by traffic signs in accordance with the order.
- (1A) An order made by virtue of subsection (1)(c) above may—
- (a) make provision restricting the speeds that may be indicated by traffic signs or the periods during which the indications may be given, and
- (b) provide for the indications to be given only in such circumstances as may be determined by or under the order;
- but any such order must comply with regulations made under subsection (1B) below, except where the Secretary of State authorises otherwise in a particular case.
- (1B) The Secretary of State may make regulations governing the provision which may be made by orders of local authorities under subsection (1)(c) above, and any such regulations may in particular—
- (a) prescribe the circumstances in which speed limits may have effect by virtue of an order,
- (b) prescribe the speed limits which may be specified in an order, and
- (c) make transitional provision and different provision for different cases.”
- (3) In subsection (3) for the words “under subsection (1)” there shall be substituted the words “made by virtue of subsection (1)(a)”.
- (4) At the end there shall be added—
- “(6) Any reference in a local Act to roads subject to a speed limit shall, unless the contrary intention appears, be treated as not including a reference to roads subject to a speed limit imposed only by virtue of subsection (1)(b) or (c) above.”

#### Commencement Information

**III** S. 45 wholly in force at 1.7.1992 see s. 84 and S.I. 1992/1286, art. 2, Sch.

VALID FROM 01/07/1992

#### 46 Tramcars and trolley vehicles.

- (1) After section 141 of the <sup>M11</sup>Road Traffic Regulation Act 1984 (tramcars and trolley vehicles) there shall be inserted—

##### “141A Tramcars and trolley vehicles: regulations.

- (1) The Secretary of State may by regulations provide that such of the provisions mentioned in subsection (2) below as are specified in the regulations shall not apply, or shall apply with modifications—
- (a) to all tramcars or to tramcars of any specified class, or
- (b) to all trolley vehicles or to trolley vehicles of any specified class.

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(2) The provisions referred to in subsection (1) above are the provisions of sections 1 to 14, 18 and 81 to 89 of this Act.

(3) Regulations under this section—

- (a) may make different provision for different cases,
- (b) may include such transitional provisions as appear to the Secretary of State to be necessary or expedient, and
- (c) may make such amendments to any special Act as appear to the Secretary of State to be necessary or expedient in consequence of the regulations or in consequence of the application to any tramcars or trolley vehicles of any of the provisions mentioned in subsection (2) above.

(4) In this section—

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

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

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

(2) After section 193 of the <sup>M12</sup>Road Traffic Act 1988 (exemptions for tramcars, trolley vehicles etc) there shall be inserted—

**“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, 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

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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 trams or trolley vehicles.”

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

C3 S. 46 modified (5.7.1993) by S.I. 1993/1461, art. 3(2)

#### Commencement Information

I12 S. 46 wholly in force at 1.7.1992 see s. 84 and S.I. 1992/1286, art. 2, Sch.

#### Marginal Citations

M11 1984 c. 27.

M12 1988 c. 52.

VALID FROM 01/04/1992

## 47 Applications for licences to drive hackney carriages etc.

(1) Part II of the <sup>M13</sup>Local Government (Miscellaneous Provisions) Act 1976 (including that Part as it applies in any area at the commencement of this section) shall have effect with the insertion of the following subsection after subsection (1) of each of section 51 (licensing of drivers of private hire vehicles) and section 59 (qualifications for drivers of hackney carriages)—

“(1A) For the purpose of satisfying themselves as to whether an applicant is a fit and proper person to hold a driver’s licence, a council may send to the chief officer of police for the police area in which the council is situated—

- (a) a copy of that person’s application, and
- (b) a request for the chief officer’s observations;

and the chief officer shall respond to the request.”

(2) Where any local Act contains a provision requiring a district council to be satisfied as to the fitness of an applicant to hold a licence to drive a private hire vehicle or a hackney carriage, the council may send to the chief officer of police for the police area in which the council is situated—

- (a) a copy of that person’s application, and
- (b) a request for the chief officer’s observations;

and the chief officer shall respond to the request.

#### Commencement Information

I13 S. 47 wholly in force at 1.4.1992 see s. 84 and S.I. 1992/421, art. 2, Sch.

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#### Marginal Citations

M13 1976 c. 57.

#### 48 Minor and consequential amendments.

Schedule 4 to this Act, which makes minor amendments and amendments consequential on the preceding provisions of this Act, shall have effect.

#### Commencement Information

I14 S. 48 partly in force; s. 48 not in force at Royal Assent see s. 84(1); s. 48 in force for certain purposes: at 1.10.1991 by S.I. 1991/2054, art. 3, Sch; at 1.4.1992 by S.I. 1992/199, art. 3(2)(a) and S.I. 1992/421, art. 2, Sch.; at 1.7.1992 by S.I. 1992/1286, art. 2, Sch; at 1.4.1993 by 1993/975, art. 2, Sch.

VALID FROM 01/07/1992

#### 49 Omission of enactments not brought into force.

Parts II, III and IV of Schedule 2 to the <sup>M14</sup>Road Traffic (Consequential Provisions) Act 1988 (re-enactment or amendment of certain enactments not brought into force) shall be omitted.

#### Commencement Information

I15 S. 49 wholly in force at 1.7.1992 see s. 84 and S.I. 1992/1286, art. 2, Sch.

#### Marginal Citations

M14 1988 c. 54.

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**Changes to legislation:**

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