



# Transport Act 2000

## 2000 CHAPTER 38

### PART V

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Charges for street works on highway*

#### **255 Charge for whole duration of works.**

(1) In the <sup>M1</sup>New Roads and Street Works Act 1991, after section 74 insert—

##### **“74A Charge determined by reference to duration of works.**

- (1) The Secretary of State may make provision by regulations requiring an undertaker executing street works in a maintainable highway to pay to the highway authority a charge determined, in the prescribed manner, by reference to the duration of the works.
- (2) The regulations shall not require charges to be paid to a local highway authority unless the Secretary of State has approved it for the purposes of the regulations by order made by statutory instrument.
- (3) The regulations may prescribe exemptions from the requirement to pay charges.
- (4) The regulations may prescribe different rates of charge according to—
  - (a) the extent to which the surface of the highway is affected by the works,
  - (b) the place and time at which the works are executed, and
  - (c) such other factors as appear to the Secretary of State to be relevant.
- (5) The regulations may—
  - (a) prescribe more than one rate of charge in respect of the same description of works, and

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- (b) provide that charges are to be paid in respect of any works of that description at the rate which appears to the highway authority to be appropriate in relation to those works.
- (6) The regulations may make provision for the determination of the duration of works for the purposes of the regulations.
- (7) And they may, in particular, make provision for works to be treated as beginning or ending on the giving of, or as stated in, a notice given by the undertaker to the highway authority, in the prescribed manner, in accordance with a requirement imposed by the regulations.
- (8) The regulations may make provision as to the time and manner of making payment of charges.
- (9) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a charge—
  - (a) in any particular case,
  - (b) in such classes of case as they may decide or as may be prescribed, or
  - (c) in all cases or in all cases other than a particular case or such class of case as they may decide or as may be prescribed.
- (10) The regulations may make provision as to—
  - (a) the application by local highway authorities of sums paid by way of charges, and
  - (b) the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of charges.
- (11) The regulations may create in respect of any failure to give a notice required by the regulations a criminal offence triable summarily and punishable with a fine not exceeding level 3 on the standard scale.
- (12) The regulations may require disputes of any prescribed description to be referred to an arbitrator appointed in accordance with the regulations.
- (13) The first regulations under this section shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament; subsequent regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **74B Regulations under sections 74 and 74A.**

Nothing shall be taken to prevent the imposition of charges by both regulations under sections 74 and regulations under section 74A in respect of the execution of the same works at the same time.”

- (2) The reference to the <sup>M2</sup>New Roads and Street Works Act 1991 in Schedule 1 to the <sup>M3</sup>National Assembly for Wales (Transfer of Functions) Order 1999 is to be treated as referring to that Act as amended by this section and section 256.

#### **Commencement Information**

- II** S. 255 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

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#### Marginal Citations

- M1** 1991 c. 22.  
**M2** 1991 c. 22.  
**M3** S.I. 1999/672.

### 256 Charges where works unreasonably prolonged.

- (1) Section 74 of the <sup>M4</sup>New Roads and Street Works Act 1991 (charges where works unreasonably prolonged) is amended as follows.
- (2) After subsection (2) insert—
  - “(2A) The regulations may prescribe exemptions from the requirement to pay charges.”
- (3) In subsection (3)—
  - (a) for “may submit to the authority” substitute “ shall give to the authority, in such manner as may be prescribed, notice containing ”, and
  - (b) for “so submitted” substitute “ contained in a notice given to an authority in such manner ”.
- (4) In subsection (4), for “may submit” substitute “ shall give to the authority, in such manner as may be prescribed, notice containing ”.
- (5) After subsection (5) insert—
  - “(5A) The regulations may—
    - (a) prescribe more than one rate of charge in respect of the same description of works, and
    - (b) provide that charges are to be paid in respect of any works of that description at the rate which appears to the highway authority to be appropriate in relation to those works.
  - (5B) The regulations may make provision for the determination of the duration of works for the purposes of the regulations.
  - (5C) And they may, in particular, make provision for works to be treated as beginning or ending on the giving of, or as stated in, a notice given by the undertaker to the highway authority, in the prescribed manner, in accordance with a requirement imposed by the regulations.”
- (6) In subsection (7), for the words from “charge” to the end substitute “charges
  - (a) in any particular case,
  - (b) in such classes of case as they may decide or as may be prescribed, or
  - (c) in all cases or in all cases other than a particular case or such class of case as they may decide or as may be prescribed.”
- (7) After that subsection insert—
  - “(7A) The regulations may make provision as to—
    - (a) the application by local highway authorities of sums paid by way of charges, and
    - (b) the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of charges.

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(7B) The regulations may create in respect of any failure to give a notice required by the regulations a criminal offence triable summarily and punishable with a fine not exceeding level 3 on the standard scale.”

**Commencement Information**

**I2** S. 256 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

**Marginal Citations**

**M4** 1991 c. 22.

*Driver training and driving instructors*

**257 Compulsory driver training courses.**

In the <sup>M5</sup>Road Traffic Act 1988, after section 99 insert—

*“ Driver training*

**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”).

**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),
  - (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)—

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- (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.

#### **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—
- (a) for different classes of motor vehicles,
  - (b) for different descriptions of persons, or
  - (c) otherwise for different circumstances.”

#### **Commencement Information**

**I3** [S. 257](#) wholly in force at 1.5.2002; [s. 257](#) not in force at Royal Assent, see [s. 275\(1\)\(2\)](#); [s. 257](#) in force at 1.5.2002 by [S.I. 2002/1014](#), [art. 2\(2\)](#), [Sch. Pt. 2](#) (with transitional provisions in [art. 3](#))

#### **Marginal Citations**

**M5** [1988 c. 52](#).

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## 258 Register of approved instructors: destination of appeals.

- (1) Section 131 of the <sup>M6</sup>Road Traffic Act 1988 (appeals to Secretary of State by persons aggrieved by decision of registrar of approved driving instructors) is amended as follows.
- (2) In subsections (1) and (2), for “Secretary of State” substitute “ Transport Tribunal ”.
- (3) In subsection (3)—
  - (a) for “Secretary of State” substitute “ Transport Tribunal ”, and
  - (b) for “he thinks” substitute “ they think ”.
- (4) After subsection (4) insert—
 

“(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.”

### Marginal Citations

M6 1988 c. 52.

## 259 Taking effect of decisions about instructors.

- (1) In section 127 of the <sup>M7</sup>Road Traffic Act 1988 (application to retain name in register of approved instructors), after subsection (7) insert—
 

“(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).”,

and, in subsection (8), for “A decision to refuse an application shall” substitute “ But the Registrar may, when giving notice of his decision to refuse the application, direct that the decision shall instead ”.
- (2) In section 128 of that Act (removal of name from register), after subsection (6) insert—
 

“(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).”,

and, in subsection (7), for “A decision to remove a name from the register shall” substitute “ But the Registrar may, when giving notice of his decision to remove the name from the register, direct that the decision shall instead ”.
- (3) In section 130 of that Act (revocation of licence for giving instruction in order to obtain practical experience), for subsection (6) substitute—
 

“(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

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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.”
- (4) In section 131 of that Act (appeals against decisions of registrar), after subsection (4A) (inserted by section 258) insert—
- “(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.”

**Marginal Citations**

M7 1988 c. 52.

**260 Training and instructors: minor and consequential amendments.**

Schedule 29 makes minor and consequential amendments about driver training and driving instructors.

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**Commencement Information**

- I4** S. 260 partly in force; s. 260 not in force at Royal Assent see s. 275; s. 260 in force for certain purposes at 1.4.2002 by S.I. 2002/658, art. 2(2), Sch. Pt. 2 (with transitional provision in art. 3)

*Licensing of operators of goods vehicles*

**261 Increase of fine for breach of obligation to hold operator’s licence.**

- (1) In section 2(5) of the <sup>M8</sup>Goods Vehicles (Licensing of Operators) Act 1995 (obligation to hold operator’s licence: penalty for offence), for “level 4” substitute “ level 5 ”.
- (2) Subsection (1) does not apply to any offence committed before this section comes into force.

**Commencement Information**

- I5** S. 261 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**Marginal Citations**

- M8** 1995 c. 23.

**262 Detention of vehicle used without operator’s licence.**

- (1) In the <sup>M9</sup>Goods Vehicles (Licensing of Operators) Act 1995, after section 2 insert—

**“2A Detention of vehicle used without operator’s licence.**

Schedule 1A (which relates to the detention, removal and disposal of goods vehicles in respect of which it appears that section 2 is contravened) shall have effect.”

- (2) After Schedule 1 to that Act insert, as Schedule 1A, the Schedule set out in Schedule 30 to this Act.

**Commencement Information**

- I6** S. 262 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to the transitional provision and saving in Sch. 2 Pt. II)

**Marginal Citations**

- M9** 1995 c. 23.



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PROSPECTIVE

## 263 Addition of specified vehicles to operator’s licence.

In section 5 of the <sup>M10</sup>Goods Vehicles (Licensing of Operators) Act 1995 (vehicles authorised to be used under operator’s licence), for subsection (6) substitute—

“(6) A motor vehicle which is not specified in an operator’s licence is not authorised to be used under that licence by virtue of subsection (1) [<sup>F1</sup>on or after the relevant day] unless the licence-holder—

(a) has given to [<sup>F2</sup>a traffic commissioner] a notice in such form and containing such information about the vehicle as [<sup>F2</sup>is required by a traffic commissioner], and

[<sup>F2</sup>(b) has paid the prescribed fee (if any) to a traffic commissioner.

[<sup>F3</sup>(6A) For the purposes of subsection (6) “the relevant day” is the latest of the following days—

(a) the day on which the vehicle was first in the lawful possession of the licence holder,

(b) the day on which the licence came into force,

(c) if a day not more than one month after the later of those days is prescribed for the purpose, the day so prescribed.”]]

### Textual Amendments

**F1** Words in s. 263 inserted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 125(3)(a)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

**F2** Words in s. 263 substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

**F3** Words in s. 263 inserted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 125(4)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

### Marginal Citations

**M10** 1995 c. 23.

*Type approvals: exemptions*

## 264 Type approval: individual exemptions.

In section 63 of the <sup>M11</sup>Road Traffic Act 1988 (obligatory type approval certificates, certificates of conformity and Minister’s approval certificates), for subsection (5) (power to make exemptions by regulations) substitute—

“(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,

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- (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.
- (6) Subject to subsection (7) below, the power conferred by subsection (5) above is exercisable by regulations.
- (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.”

#### **Commencement Information**

**I7** S. 264 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

#### **Marginal Citations**

**M11** 1988 c. 52.

### *Licensing of private hire vehicles*

#### **265 Vehicles subject to regulation as private hire vehicles.**

- (1) In section 79 of the <sup>M12</sup>Public Passenger Vehicles Act 1981 (which provides that a vehicle which is not a public service vehicle because of section 1(3) or (4) of that Act is to be treated as one for the purpose of excluding it from regulation as a private hire vehicle), for “1(3) or (4)” substitute “ 1(4) ”.
- (2) After that section insert—

#### **“79A Small PSVs subject to regulation as private hire vehicles.**

- (1) If a small bus is being provided for hire with the services of a driver for the purpose of carrying passengers otherwise than at separate fares, it is not to be regarded as a public service vehicle for the purpose of—
- (a) Part II of the <sup>M13</sup>Local Government (Miscellaneous Provisions) Act 1976, or
  - (b) any local Act applying in any area in England and Wales which regulates the use of private hire vehicles provided for hire with the services of a driver for the purpose of carrying passengers and excludes public service vehicles from the scope of that regulation.
- (2) If a small bus is being made available with a driver to the public for hire for the purpose of carrying passengers otherwise than at separate fares, it is not to

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be regarded as a public service vehicle for the purpose of the <sup>M14</sup>Private Hire Vehicles (London) Act 1998.

(3) But subsection (1) or (2) does not apply where the vehicle is being so provided or made available in the course of a business of carrying passengers by motor vehicles all but a small part of which involves the operation of large buses.

(4) In this section—

“small bus” means a public service vehicle within paragraph (b) of subsection (1) of section 1 of this Act; and

“large buses” means public service vehicles within paragraph (a) of that subsection.”

(3) In section 167(4) of the <sup>M15</sup>Criminal Justice and Public Order Act 1994 (touting for hire car services: defence in case of public service vehicles), for “passengers for public service vehicles” substitute “passengers to be carried at separate fares by public service vehicles”.

#### Marginal Citations

M12 1981 c. 14.

M13 1976 c. 57.

M14 1998 c. 34.

M15 1994 c. 33.

#### *Enforcement of requirements relating to drivers' hours*

### 266 Power to prohibit driving of vehicle.

After section 99 of the <sup>M16</sup>Transport Act 1968 insert—

#### **“99A Power to prohibit driving of vehicle.**

(1) If—

(a) the driver of a UK vehicle obstructs an authorised person in the exercise of his powers under subsection (2) or (3) of section 99 of this Act or fails to comply with any requirement made by an authorised person under subsection (1) of that section,

(b) it appears to an authorised person that, in relation to a UK vehicle or its driver, there has been a contravention of any of the provisions of—

(i) sections 96 to 98 of this Act and any orders or regulations under those sections, or

(ii) the applicable Community rules,

or that there will be such a contravention if the vehicle is driven on a road, or

(c) it appears to an authorised person that an offence under section 99(5) of this Act has been committed in respect of a UK vehicle or its driver, the authorised person may prohibit the driving of the vehicle on a road either for a specified period or without limitation of time.

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- (2) Where an authorised person prohibits the driving of a vehicle under this section, he may also direct the driver to remove the vehicle (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 in accordance with that direction.
- (3) On imposing a prohibition under subsection (1) of this section, the authorised person shall give notice in writing of the prohibition to the driver of the vehicle, specifying the circumstances (as mentioned in paragraph (a), (b) or (c) of that subsection) in consequence of which the prohibition is imposed and stating whether it is imposed only for a specified period (and if so specifying the period) or without limitation of time.
- (4) Any direction under subsection (2) of this section may be given—
  - (a) in the notice under subsection (3) of this section, or
  - (b) in a separate notice in writing given to the driver of the vehicle.
- (5) In this section—
 

“authorised person” means—

  - (a) an examiner appointed by the Secretary of State under section 66A of the <sup>M17</sup>Road Traffic Act 1988, or
  - (b) a constable authorised to act for the purposes of this section by or on behalf of a chief officer of police;

“UK vehicle” means a vehicle registered under the <sup>M18</sup>Vehicle Excise and Registration Act 1994.

### **99B Duration and removal of prohibition.**

- (1) Subject to any exemption granted under subsection (2) of this section, a prohibition under subsection (1) of section 99A of this Act shall come into force as soon as notice of it has been given in accordance with subsection (3) of that section and shall continue in force—
  - (a) until it is removed under subsection (3) of this section, or
  - (b) in the case of a prohibition imposed for a specified period, until it is removed under that subsection or that period expires, whichever first occurs.
- (2) Where notice of a prohibition has been given under section 99A(3) of this Act in respect of a vehicle, an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purposes as may be specified in the exemption may be granted by any authorised person.
- (3) A prohibition under section 99A(1) of this Act may be removed by any authorised person, if he is satisfied that appropriate action has been taken to remove or remedy the circumstances (as mentioned in paragraph (a), (b) or (c) of section 99A(1) of this Act) in consequence of which the prohibition was imposed; and on doing so the authorised person shall give notice in writing of the removal of the prohibition to the driver of the vehicle.
- (4) In this section, “authorised person” has the same meaning as in section 99A of this Act.

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### 99C Failure to comply with prohibition.

Any person who—

- (a) drives a vehicle on a road in contravention of a prohibition imposed under section 99A(1) of this Act,
- (b) causes or permits a vehicle to be driven on a road in contravention of such a prohibition, or
- (c) refuses or fails to comply within a reasonable time with a direction given under section 99A(2) of this Act,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

#### Commencement Information

**I8** S. 266 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

#### Marginal Citations

**M16** 1968 c. 73.

**M17** 1988 c. 52.

**M18** 1994 c. 22.

### *Appeals relating to London service permits*

#### 267 London service permits: appeals.

- (1) Section 189 of the <sup>M19</sup>Greater London Authority Act 1999 (appeals against decisions of Transport for London about London service permits) is amended as follows.
- (2) In subsections (2) and (4) (appeals to be made to Mayor), for “appeal to the Mayor” substitute “make an appeal”.
- (3) In subsection (5) (appeal to be made within 28 days of issue of notice of decision), insert at the end “; but, subject to that, the procedure for the making of appeals under this section shall be such as the Secretary of State may by regulations prescribe.”
- (4) For subsection (6) (Mayor to refer appeal to panel appointed by him) substitute—

“(6) An appeal under this section shall be heard by a panel of persons appointed by the Lord Chancellor for the purpose of hearing such an appeal (“an appeal panel”).”
- (5) For subsection (7) (charging by Mayor of fees for appeals) substitute—

“(7) The Secretary of State may make regulations providing for the charging of reasonable fees in respect of appeals under this section.”
- (6) In subsection (9) (payment by Mayor of fees and expenses of panel members), for “Mayor” substitute “Secretary of State”.
- (7) For subsections (11) to (13) (power of panel to report to Mayor who may issue appropriate guidance or directions to Transport for London) substitute—

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“(11) An appeal panel which has heard an appeal against a decision may—

- (a) uphold the decision,
- (b) quash the decision, or
- (c) substitute for the decision such other decision which Transport for London had power to make as appears to the appeal panel to be appropriate.

(12) An appeal panel which has heard an appeal may make an order about payment of the costs of the appeal; and such an order may require that Transport for London pay to the person who made the appeal a sum equal to the whole or part of any fee paid in accordance with regulations under subsection (7) above.”

(8) In section 420(7) of that Act (regulations subject to negative Parliamentary procedure), after the entry relating to any provision contained in Chapters I to IV or VI of Part III, insert—

“section 189;”.

#### Commencement Information

**I9** S. 267 wholly in force; s. 267 not in force at Royal Assent see s. 275(1)(2); s. 267(1)(3)(5)(8) for specified purposes (E.) (1.2.2001) by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 267 in force in so far as not already in force at 1.4.2002 by [S.I. 2002/658](#), [art. 2\(2\)](#), [Sch. Pt. 2](#) (with transitional provision in [art. 3](#))

#### Marginal Citations

**M19** [1999 c. 29](#).

### *Quiet lanes and home zones and rural road speed limits*

#### **268 Quiet lanes and home zones.**

- (1) A local traffic authority may designate any road for which they are the traffic authority as a quiet lane or a home zone.
- (2) The appropriate national authority may make regulations authorising local traffic authorities who have designated roads as quiet lanes or home zones to make use orders and speed orders of such descriptions as are prescribed by the regulations in relation to any roads designated by them as quiet lanes or home zones.
- (3) A use order is an order permitting the use of a road for purposes other than passage.
- (4) But a use order may not permit any person—
  - (a) wilfully to obstruct the lawful use of a road by others, or
  - (b) to use a road in a way which would deny reasonable access to premises situated on or adjacent to the road.
- (5) A speed order is an order authorising the local traffic authority by whom it is made to take measures with a view to reducing the speed of motor vehicles or cycles (or both) on a road to below that specified in the order.

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- (6) The appropriate national authority may make regulations specifying procedures for the making, variation and revocation of—
- (a) designations, and
  - (b) use orders and speed orders,
- including procedures for confirmation (whether by the appropriate national authority or any other body).
- (7) The appropriate national authority may give guidance to local traffic authorities about matters to which they must have regard in determining whether or not to designate a road as a quiet lane or home zone.
- (8) In this section—
- “the appropriate national authority” means—
    - (a) the Secretary of State as respects England, and
    - (b) the National Assembly for Wales as respects Wales,
  - “cycle” has the same meaning as in the <sup>M20</sup>Road Traffic Act 1988,
  - “local traffic authority” has the same meaning as in the <sup>M21</sup>Road Traffic Regulation Act 1984,
  - “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, and
  - “road” has the same meaning as in the <sup>M22</sup>Road Traffic Regulation Act 1984.
- (9) Regulations under this section shall be made by statutory instrument and may make different provision for different cases or areas.
- (10) A statutory instrument containing regulations made by the Secretary of State under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

**I10** S. 268 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

#### Marginal Citations

**M20** 1988 c. 52.

**M21** 1984 c. 27.

**M22** 1984 c. 27.

PROSPECTIVE

<sup>F4</sup>269 Report on rural road speed limits.

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### Textual Amendments

**F4** S. 269 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 14](#)

## *School crossing patrols*

### 270 School crossing patrols.

- (1) The <sup>M23</sup>Road Traffic Regulation Act 1984 is amended as follows.
- (2) In section 26 (arrangements for patrolling places where children cross roads during certain periods)—
  - (a) in subsection (1), omit “during periods between the hours of eight in the morning and half-past five in the afternoon when children are so on their way”, and
  - (b) after that subsection insert—
 

“(1A) Arrangements under subsection (1) above may be made for patrolling places at such times as the authority thinks fit.”
- (3) In section 28 (power to stop vehicles at school crossings)—
  - (a) in subsection (1)—
    - (i) omit “between the hours of eight in the morning and half-past five in the afternoon”, and
    - (ii) for “children on their way to or from school, or from one part of a school to another, are” substitute “ a person is ”,
  - (b) in subsection (2)—
    - (i) for “children are” substitute “ person is ”, and
    - (ii) for “their” substitute “ his ”, and
  - (c) in subsection (5)—
    - (i) insert “ and ” at the end of paragraph (a), and
    - (ii) omit paragraph (c) and the word “and” before it.

### Marginal Citations

**M23** 1984 c. 27.

## *Stands etc. for bicycles or motor cycles*

### 271 Stands etc. for bicycles or motor cycles.

- (1) The <sup>M24</sup>Road Traffic Regulation Act 1984 is amended as follows.
- (2) In section 63 (power of authorities to provide stands and racks for bicycles), for “and racks for bicycles” substitute “ or racks for, or devices for securing, bicycles or motor cycles ”.
- (3) In section 136(4) (meaning of “motor cycle”), for “section 57” substitute “ sections 57 and 63 ”.



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**Commencement Information**

**I11** S. 271 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

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**Marginal Citations**

**M24** 1984 c. 27.

*Financial assistance: inland waterway and sea freight*

**272 Financial assistance for inland waterway and sea freight.**

- (1) The Secretary of State may make grants or other payments for the purpose of securing or encouraging the carriage of goods by inland waterway or by sea rather than by road where he is satisfied that that is in the public interest.
- (2) Grants or payments under this section may in particular be made in respect of facilities for or in connection with the carriage of goods by inland waterway or by sea (including facilities for loading or unloading goods).
- (3) Grants or payments under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as the Secretary of State may determine.
- (4) So far as it relates to inland waterways in Wales the power conferred by this section is a power of the National Assembly for Wales.
- (5) The power conferred by this section may only be exercised in or as regards Scotland if its exercise relates to reserved matters within the meaning of the <sup>M25</sup>Scotland Act 1998.
- (6) In this section “inland waterway” includes both a natural and an artificial inland waterway.

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

**C1** S. 272 functions made exercisable (28.2.2003) by **The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2003 (S.I. 2003/415)**, arts. 1(1), **3** (with art. 5)

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**Commencement Information**

**I12** S. 272 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

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**Marginal Citations**

**M25** 1998 c. 46.

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## Supplementary

### 273 Offences: general.

- (1) If an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of—
  - (a) a director, manager, secretary or other similar officer of the body, or
  - (b) a person who was purporting to act in such a capacity,
 he (as well as the body) commits the offence.
- (2) In subsection (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body.
- (3) If an offence under this Act is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he (as well as the partnership) commits the offence.

#### Commencement Information

**I13** S. 273 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

### 274 Repeals and revocations.

Schedule 31 contains repeals and revocations.

#### Commencement Information

**I14** S. 274 not in force at Royal Assent see s. 275(1)(2); s. 274 in force (1.4.2001 and 1.6.2001 for specified purposes) by S.I. 2000/3229, **art. 2, Pts. III, IV**; s. 274 in force (15.1.2001 for specified purposes) by S.I. 2000/3376, **art. 2**; s. 274 in force at 1.2.2001 for further specified purposes by S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**); s. 274 in force (E.) at 1.2.2001 for further specified purposes by S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to the savings in **Sch. 3 Pt. II**); s. 274 in force at 1.4.2001 for further specified purposes by S.I. 2001/869, **art. 2**; s. 274 in force for specified purposes (E.) at 26.10.2001 by S.I. 2001/3342, **art. 2, Sch.**; s. 274 in force for certain purposes at 1.4.2002 by S.I. 2002/658, **art. 2(2), Sch. Pt. 2** (with transitional provision in **art. 3**) (as substituted by S.I. 2002/846, **art. 2**); s. 274 in force (E.) for certain purposes at 1.5.2002 by S.I. 2002/1014, **art. 2, Sch. Pt. 1** (with transitional provisions in **art. 3**); s. 274 in force for certain purposes (W.) at 14.8.2002 by S.I. 2002/2024, **art. 2(b)**

### 275 Commencement.

- (1) Subject as follows, the preceding provisions of this Act come into force in accordance with provision made by the Secretary of State by order made by statutory instrument; and different provision may be made for different purposes.
- (2) The power conferred by subsection (1) is exercisable as respects Wales by the National Assembly for Wales (and not the Secretary of State) in relation to Parts II and III (and the repeals relating to Part II).

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<sup>F5</sup>(3) .....

(4) Section 231 (and Schedule 24), section 253 (and Schedule 28) and section 269 come into force on the day on which this Act is passed.

(5) In section 245, subsections (1) and (3) to (5), and subsections (2) and (8) so far as relating to subsections (3) to (5), shall be treated as having come into force on 10th May 2000.

#### Subordinate Legislation Made

- P1** S. 275(1)(2)(3) power partly exercised: different dates appointed for specified provisions by [S.I. 2000/3229](#), [art. 2](#), [S.I. 2000/3376](#), [art. 2](#)
- P2** S. 275(1)(2) power partly exercised: different days appointed for specified purposes by [S.I. 2001/57](#), [arts. 2, 3](#), [Schs. 1, 2](#) Pt. I, 3 Pt. I (subject to the transitional provision and savings in [Sch. 2](#) Pt. II, 3 Pt. II
- S. 275(1)(2) power partly exercised: different dates appointed for specified purposes by [S.I. 2001/1498](#), [arts. 2, 3](#)
- S. 275(1)(2) power partly exercised: 1.4.2002 appointed for specified purposes by [S.I. 2002/658](#), [art. 2](#), [Sch.](#) (with transitional provisions in [art. 3](#))
- S. 275(1)(2) power partly exercised: 1.5.2002 appointed for specified provisions by [S.I. 2002/1014](#), [art. 2](#), [Sch.](#) (with transitional provisions in [art. 3](#))
- P3** S. 275(1) power partly exercised: 20.2.2001 appointed for specified purposes by [S.I. 2001/242](#), [art. 2](#)
- S. 275(1) power partly exercised: 26.10.2001 appointed for specified purposes by [S.I. 2001/3342](#), [art. 2](#)
- S. 275(1) power partly exercised: 27.3.2002 appointed for specified purpose by [S.I. 2002/846](#), [art. 2](#)
- P4** S. 275(2) power partly exercised: 14.8.2002 appointed for specified purposes by [S.I. 2002/2024](#), [art. 2](#)

#### Textual Amendments

- F5** S. 275(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004](#) (c. 14), [Sch. 1 Pt. 14](#)

## 276 Transitorials and savings.

- (1) The Secretary of State may by order made by statutory instrument make any transitional provisions or savings which he considers appropriate in connection with the coming into force of any provision of this Act.
- (2) The power conferred by subsection (1) is exercisable as respects Wales by the National Assembly for Wales (and not the Secretary of State) in relation to Parts II and III (and the repeals relating to Part II).

#### Subordinate Legislation Made

- P5** S. 276 power partly exercised: different dates appointed for specified provisions by [S.I. 2000/3229](#), [art. 2](#)
- S. 276 power partly exercised: 1.4.2002 appointed for specified purposes and provisions by [S.I. 2002/658](#), [art. 2](#), [Sch.](#) (with transitional provisions in [art. 3](#))
- S. 276 power partly exercised: 1.5.2002 appointed for specified provisions by [S.I. 2002/1014](#), [art. 2](#), [Sch.](#) (with transitional provisions in [art. 3](#))

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## 277 Power to make amendments.

- (1) The Secretary of State may, in consequence of any provision of this Act or of any instrument made under it, by order made by statutory instrument make such amendments (including repeals or revocations) as appear to him to be appropriate in—
  - (a) any Act (whether public general or local) passed, or
  - (b) any subordinate legislation (within the meaning of the <sup>M26</sup>Interpretation Act 1978) made,
 before that provision comes into force.
- (2) The power conferred by subsection (1) is exercisable as respects Wales by the National Assembly for Wales (and not the Secretary of State) in relation to Parts II and III and any instruments made under them.
- (3) No order shall be made under subsection (1) by the Secretary of State unless a draft of the order containing it has been laid before, and approved by resolution of, each House of Parliament.

### Marginal Citations

M26 1978 c. 30.

## 278 Financial provision.

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenditure incurred by any Minister of the Crown or government department under or by virtue of this Act (apart from any expenditure to be met from the National Loans Fund), and
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) There shall be issued to the Secretary of State by the Treasury out of the National Loans Fund any sums required by him for—
  - (a) making loans under section 52 to a transferee, or
  - (b) making loans to the Strategic Rail Authority.
- (3) There shall be paid into the National Loans Fund any repayment of, or payment of interest on, loans—
  - (a) made under section 52 by the Secretary of State to a transferee, or
  - (b) made by the Secretary of State to the Strategic Rail Authority.
- (4) The assets of the National Loans Fund shall be reduced by an amount corresponding to such liability as the Secretary of State extinguishes by order under section 57.
- (5) There shall be paid into the Consolidated Fund any sums received by any Minister of the Crown or government department under or by virtue of this Act (apart from any sums required to be paid into the National Loans Fund).

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**279 Extent.**

- (1) Parts II and III, and the repeals relating to those Parts, and sections 255 and 256, 265, 267 and 268 and 270 and 271, and the repeals in Part V(2) of Schedule 31, extend only to England and Wales.
- (2) Subject as follows, Part IV, sections 257 to 260 (and Schedule 29), sections 261 to 263 (and Schedule 30) and sections 264, 266 and 269, and Part V(1) of Schedule 31, extend only to England and Wales and Scotland.
- (3) The amendments made by Parts I and IV, and the repeals and revocations relating to those Parts, have the same extent as the enactments to which they relate (except where it is otherwise provided).
- (4) Sections 247 and 250, paragraph 14 of Schedule 14 and Schedule 26 extend to England and Wales, Scotland and Northern Ireland.

**280 Short title.**

This Act may be cited as the Transport Act 2000.

**Status:**

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**Changes to legislation:**

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