



# Vehicle and Driving Licences Act 1969

## 1969 CHAPTER 27

An Act to make further provision, in relation to mechanically propelled vehicles, about the licensing, registration and marking of vehicles, the payment of excise duty, the licensing of drivers, offences and the provision of copies of test certificates; and for purposes connected with those matters. [25th June 1969]

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:—

### *Transfer of functions*

#### **1 Transfer to Minister of local authorities' functions relating to vehicle and driving licences etc.**

(1) The functions conferred on local authorities by the Vehicles (Excise) Act 1962 and Part II of the Road Traffic Act 1960 (which provide for the levying of excise duty on vehicles, the licensing and registration of vehicles and the licensing of drivers) shall be transferred to the Minister of Transport by virtue of this section on the transfer date.

(2) In this Act—

" the transfer date " means such date as the Minister may by order appoint for the purposes of the foregoing subsection; and

" relevant functions " means functions which will be or were transferred to the Minister by virtue of this section on the transfer date.

#### **2 Provisions supplementary to s. 1**

(1) The Minister may by order make such provision as he considers appropriate for the purposes of section 1 of this Act—

(a) with respect to the transfer and management and the custody of property which is held by local authorities for the purposes of any relevant functions and

the transfer of rights acquired and liabilities incurred by local authorities in connection with any relevant functions;

- (b) with respect to the payment by the Minister of compensation in respect of any transfer of property or rights in pursuance of paragraph (a) above and in respect of liabilities of local authorities which are not transferred in pursuance of that paragraph ; and
- (c) for securing that anything done by or in relation to a local authority before the transfer date in connection with any relevant functions is deemed on and after that date to have been done by or in relation to the Minister and, without prejudice to the foregoing provisions of this paragraph, that anything begun before that date by a local authority in the exercise of any relevant functions may be carried on and completed on and after that date by the Minister ;

and an order under this subsection may be made to take effect before the transfer date in so far as the Minister considers that it should so take effect for the purpose of facilitating the exercise by him of any relevant functions.

- (2) The Minister shall not make an order under the foregoing subsection with respect to the transfer of premises appearing to him to form part of premises held by a local authority for the purposes of relevant and other functions unless he has given notice to the authority of his proposal to make the order and has specified in the notice the time within which the authority may request that the order shall be in accordance with the following provisions of this subsection ; and where the authority does so request and the Minister decides to make the order, then—
  - (a) the order shall secure that the transfer is for such period only as the Minister may determine, being a period ending not later than the end of the period of seven years beginning with the transfer date ; and
  - (b) without prejudice to the generality of the foregoing subsection, the other terms of the transfer shall be such as may be specified in the order.
- (3) The Minister shall make regulations providing for the payment by him, subject to such exceptions or conditions as may be prescribed, of compensation to or in respect of persons who are or were, or but for any national service of theirs would be or would have been, the holders of any such place, situation or employment as may be prescribed and who suffer or have suffered loss of employment or loss or diminution of emoluments which is attributable to the provisions of section 1 of this Act; and any such regulations may include provision for the determination of questions arising under the regulations.

In this subsection " national service " means any such service in any of Her Majesty's forces or other employment (whether or not in the service of Her Majesty) as may be prescribed.

- (4) If a person employed by a local authority for the purposes of any relevant functions ceases to be employed by that authority in consequence of the provisions of section 1 of this Act and as soon as practicable after so ceasing enters an employment of a class specified in section 2(2) of the Superannuation (Miscellaneous Provisions) Act 1948, the latter employment and his employment by the authority aforesaid shall be deemed to be one continuous employment for the purposes of the National Insurance (Modification of Local Government Superannuation Schemes) Regulations 1961 and the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations 1961 and any certificate specifying non-participating employments in pursuance of the National Insurance Act 1965 ; and in section 6(5) of the Local Government Superannuation Act 1937 and section 6(5)

of the Local Government Superannuation (Scotland) Act 1937 (under which a contributory employee whose remuneration is reduced in consequence, among other things, of such an incapacity as is there mentioned may make the same superannuation contributions as if the reduction had not occurred) and in any corresponding provision of a local Act scheme within the meaning of the latter Act the references to such an incapacity shall be construed as including references to the provisions of the said section 1.

Any question arising under this subsection or either of the said sections 6(5) or such a scheme as to whether a person was employed by a local authority for the purposes of any relevant functions or entered another employment as soon as practicable after ceasing to be employed by a local authority or as to whether an employment ceased or a reduction of remuneration occurred in consequence of the provisions of the said section 1 shall be determined by the Minister.

- (5) Without prejudice to the powers of local authorities apart from this subsection, any local authority shall have power to enter into an agreement with the Minister providing for the exercise of any relevant functions on and after the transfer date by the authority on behalf of the Minister on such terms as may be provided by the agreement; and it is hereby declared that, in relation to any period before the transfer date, a local authority have and always had power to make arrangements with the Postmaster General for him to issue licences and collect duty under the Act of 1962 on their behalf, and subsection (1) of this section shall be construed accordingly.
- (6) The functions mentioned in section 1(1) of this Act include the functions relating to the licensing of drivers which are conferred on the Council of the Isles of Scilly by virtue of the Isles of Scilly Order 1937, and in relation to the functions so conferred the said Council shall be deemed to be a local authority for the purposes of this section; and it is hereby declared that after the transfer date the Minister's functions under the Act of 1962 extend to the Isles of Scilly, and references to local authorities and relevant functions in subsection (5) of this section shall include respectively references to the said Council and the Minister's said functions in relation to the Isles.
- (7) Nothing in this Act shall relieve a local authority from the obligation to pay into the Consolidated Fund any fees for licences received by the authority before the transfer date under Part II of the Act of 1960 and any sums received by the authority before that date by way of duty or penalties under the Act of 1962.
- (8) The enactments mentioned in Part I of Schedule 1 to this Act shall have effect subject to the amendments specified in that Part (which are consequential upon the provisions of section 1 of this Act).

### **3 Interim provisions with respect to functions of local authorities**

- (1) The Minister may, at any time before the transfer date, by order provide that any relevant functions shall, as respects any area specified in the order, be exercisable by a local authority so specified instead of by the authority by whom they would be exercisable apart from the order.
- (2) Where at any time before the transfer date a local authority is to cease to be a local authority and it appears to the Minister that, having regard to the provisions of section 1 of this Act, it is expedient to prevent that event from affecting the exercise of any of the relevant functions, he may by order direct that the relevant functions shall, except so far as the order otherwise provides, be exercised after that event as if it had not occurred.

- (3) An order under the foregoing provisions of this section may contain such provisions, if any, as the Minister considers appropriate with respect to the transfer of persons employed by a local authority and shall contain provisions for safeguarding the interests of such persons; and section 2(3) of this Act shall have effect for the purposes of this section as if for the reference to section 1 of this Act there were substituted a reference to this section.
- (4) If an authority exercising functions by virtue of an order under subsection (2) of this section is not a local authority, it shall be deemed to be a local authority for the purposes of those functions and references to a local authority in any enactment (including this Act) shall be construed accordingly; and the reference in section 1(1) of this Act to functions conferred by the enactments there mentioned shall be construed as including a reference to functions conferred by virtue of the foregoing provisions of this section.

### *Vehicle licences*

#### **4 Commencement and duration of licences**

- (1) Subject to the provisions of section 5 of this Act, a licence shall first have effect on the day specified by the applicant in the application for the licence.
- (2) Any trade licence may be taken out for a period of twelve months, and a general trade licence may be taken out for a period of four months.
- (3) A licence for a period of four months shall expire with such day in the fourth month after that in which the licence first has effect as corresponds to the day preceding that on which it first has effect, so however that a licence for that period shall—
  - (a) if it first has effect on the first day of a month, expire with the last day of the third month after that month; and
  - (b) if it first has effect on 30th or 31st October, expire with the last day of the following February.
- (4) The enactments mentioned in Part II of Schedule 1 to this Act shall have effect subject to the amendments specified in that Part (which are consequential upon the foregoing provisions of this section).
- (5) Section 3 of the Act of 1962 (which provides for the making of orders authorising the issue of licences for the periods and on payment of duty at the rates mentioned in that section) shall cease to have effect.
- (6) Nothing in any of the foregoing provisions of this section affects any licence taken out before that provision comes into force.
- (7) A licence which first has effect before the day on which it is issued shall not affect any criminal liability incurred before that day.
- (8) Notwithstanding anything in the Act of 1962 or the foregoing provisions of this section, the Minister may, during the period of two years beginning with the day when this section comes into force, provide by regulations that, in such cases as may be determined by or under the regulations, the duration of a licence taken out after the coming into force of the regulations shall be longer or shorter, by such period not exceeding thirty days as may be so determined, than its duration would have been apart from the regulations; and where the duration of a licence is altered by virtue

of this subsection the duty payable upon the licence shall be increased or reduced proportionately.

(9) At the expiration of the period of two years mentioned in subsection (8) of this section that subsection shall cease to have effect, but without prejudice to any licence issued or any payment made or falling to be made by virtue of any regulations in force under that subsection immediately before the expiration of that period.

(10) In this section " licence " means a vehicle licence.

## **5 Temporary licences**

(1) Where an application is made for a vehicle licence for any period (except a trade licence and a seven day licence), the Minister may if he thinks fit, instead of issuing forthwith a licence for that period—

- (a) issue a licence (in this Act referred to as a " temporary licence") for fourteen days or such other period as may be prescribed and having effect from such day as may be prescribed ; and
- (b) issue from time to time a further temporary licence in respect of the vehicle to which a previous temporary licence relates.

(2) A temporary licence shall be deemed to be a vehicle licence, and except where the context otherwise requires references to a vehicle licence in any enactment (including this Act) shall be construed accordingly ; but nothing in this section shall affect the amount of any duty payable in connection with an application for a vehicle licence.

(3) Where an application is made for a vehicle licence for any period and a temporary licence is issued in pursuance of the application, section 11(2) of the Finance Act 1967 (under which a vehicle licence ceases to be in force for certain purposes on the transfer of the vehicle unless it is delivered with the vehicle to the transferee) shall not apply to that vehicle licence if on a transfer of the relevant vehicle during the currency of the temporary licence the temporary licence is delivered with the vehicle to the transferee.

## **6 Issue etc. of temporary licences by motor dealers**

(1) The Minister may by regulations make such provision as he considers appropriate with respect to the allocation of temporary licences to motor dealers who apply for such allocations and appear to the Minister suitable to receive them and with respect to the issue of the licences by motor dealers.

(2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may include provision—

- (a) as to the mode of application for the allocation of licences and as to the fees payable in respect of allocations;
- (b) specifying the categories of vehicles for which allocations of licences may be made ;
- (c) prohibiting the issue of temporary licences in pursuance of applications for trade licences or seven day licences ;
- (d) for requiring a motor dealer to pay to the Minister, in respect of each licence allocated to the dealer, the excise duty chargeable in respect of the licence which will be specified in the application in consequence of which the allocated licence can be issued ;

- (e) as to the replacement of allocated licences which are lost, damaged or destroyed and as to the fees payable in connection with their replacement; and
  - (f) as to the transfer of licences allocated to a motor dealer in cases where the dealer dies or becomes incapacitated or bankrupt and in such other cases as may be prescribed.
- (3) Without prejudice to the generality of subsection (1) of this section, regulations under this section may also include provision for—
- (a) requiring a motor dealer to whom an allocation of licences is made to keep a record in the prescribed form of the licences allocated to him and of the licences issued by him, and to permit the record to be inspected at all reasonable times by any officer of the Minister and any constable ;
  - (b) restricting the circumstances in which a motor dealer may issue licences;
  - (c) requiring a motor dealer, before he issues a licence in respect of a vehicle—
    - (i) to obtain from the proposed holder of the licence an application for a vehicle licence in the prescribed form,
    - (ii) to ascertain that the prescribed requirements as to test certificates and insurance are satisfied in respect of the vehicle,
    - (iii) to ensure that the licence is appropriate for the vehicle and takes effect on the prescribed date, and
    - (iv) to make on the licence, and on any copy of it specified in the regulations, such entries as the Minister may determine;
  - (d) requiring a motor dealer by whom a licence is issued to deliver or despatch to the Minister, within the prescribed period beginning with the day on which the dealer issues the licence, the prescribed particulars and documents relating to the licence and the vehicle for which it is issued ;
  - (e) securing that after any change takes effect in the rate of excise duty chargeable in respect of a vehicle licence of any description, a licence previously allocated to a dealer is not issued by him in consequence of an application for a vehicle licence of that description, but that a licence issued in contravention of regulations made in pursuance of the foregoing provisions of this paragraph shall not be invalid by reason only of the contravention; and
  - (f) providing that a person who contravenes or fails to comply with any specified provision of the regulations shall be guilty of an offence under this Act.

## 7 Provisions supplementary to s. 6

- (1) Any unissued licence allocated to a motor dealer in pursuance of the foregoing section may at any time be surrendered in the prescribed manner to the Minister by the dealer or by any person to whom the licence has been transferred under regulations made in pursuance of subsection (2)(f) of that section.
- (2) A motor dealer and any other person having the custody of any unissued licence allocated to the dealer in pursuance of the foregoing section shall, if required to do so by the Minister and subject to section 21(2) of this Act, forthwith surrender any such licence to the Minister in such manner as the Minister may direct; and a person who knowingly fails to comply with a requirement made by the Minister under this subsection shall be guilty of an offence under this Act.
- (3) On the surrender of a licence in pursuance of this section the dealer or other person in question shall be entitled to be paid by the Minister the amount paid by the dealer

in respect of the licence under regulations made in pursuance of subsection (2)(d) of the foregoing section.

- (4) Where a licence is issued by a motor dealer in contravention of regulations made in pursuance of subsection (3)(e) of the foregoing section, the dealer shall be liable to pay to the Minister a sum equal to the amount (if any) by which the amount paid by the dealer as mentioned in subsection (3) of this section is exceeded by the amount which would have been so paid if the allocation of the licence to the dealer had taken place at the time when the licence was issued.
- (5) In section 13(1) of the Act of 1962 (which provides for the registration of a vehicle on the first issue of a licence for it) after the words " first issue " there shall be inserted the words " by the Minister ".

## **8 Surrender of licences**

- (1) The holder of a vehicle licence (other than a licence for a tramcar)—
  - (a) may at any time surrender the licence to the Minister in the prescribed manner; and
  - (b) shall on so surrendering the licence be entitled, if he satisfies the prescribed requirements and subject to the following provisions of this section, to receive from the Minister, by way of rebate of duty paid upon the surrendered licence, a sum equal to the relevant amount multiplied by the number of days in the relevant period.
- (2) In this section "the relevant amount", in relation to a surrendered licence, means one three-hundred-and-sixty-fifth of the annual rate by reference to which duty was charged upon the licence and " the relevant period ", in relation to a surrendered licence, means the period beginning with the day following that on which the licence is received by the Minister in pursuance of paragraph (a) of subsection (1) of this section and ending with the day on which the licence would have expired by the effluxion of time.
- (3) No sum shall be payable under subsection (1) of this section in a case where the relevant period is less than thirty days, and in making any payment under that subsection a fraction of a penny shall be disregarded ; and the Minister may, for the purposes of subsection (2) of this section, treat a surrendered licence delivered to him by post as received by him on the day on which it was posted.
- (4) If during the currency of a temporary licence issued in pursuance of an application for a vehicle licence for any period, the temporary licence is surrendered under this section, it shall be treated for the purposes of this section as issued for that period or, if the Minister so directs, for any other period specified in the direction, being a period for which by virtue of subsection (5) of section 11 of this Act a licence could be issued in pursuance of the application; and where a further licence issued in pursuance of the application is held by any person at the time of the surrender of the temporary licence or is received by him thereafter—
  - (a) the further licence shall cease to be in force and he shall forthwith return it to the Minister and shall, if he knowingly fails to do so, be guilty of an offence under this Act; and
  - (b) if the Minister considers that there has been undue delay in complying with paragraph (a) of this subsection he may, without prejudice to any liability under that paragraph, reduce the relevant period by such number of days as

he thinks fit for the purpose of calculating the sum payable in pursuance of subsection (1) of this section in respect of the surrendered temporary licence.

- (5) Subsection (4) of this section shall have effect, during any period when section 9 of the Act of 1962 is in force, with the substitution of references to that section for references to this section and with the omission of paragraph (b) and the words from " or if " to " application " in the second place where it occurs.

## **9 Duty on vehicles placed on roads**

For the purposes of sections 4 and 7 of the Act of 1962 and of any other provision of that Act and any subsequent enactment relating to the keeping of mechanically propelled vehicles on public roads (including such an enactment contained in this Act and in particular section 11(3) of this Act), a person keeps such a vehicle on a public road if he causes it to be on such a road for any period, however short, when it is not in use there.

## **10 Exemptions**

It is hereby declared that in section 6(5) of the Act of 1962 and section 27 of the Road Safety Act 1967 (by virtue of paragraphs (a) to (c) of which a vehicle is not chargeable with duty under the Act of 1962 by reason of its use for the purpose of taking it by previous arrangement to, or bringing it from, such a test or examination as is there mentioned or a place where such work as is there mentioned is to be or has been done) any reference to the use of a vehicle for a purpose mentioned in any of those paragraphs is to its use solely for that purpose and any reference in any of those paragraphs to a previous arrangement is a reference to such an arrangement for a specified time on a specified date.

### *Continuous liability for vehicle excise duty*

## **11 Continuous liability for vehicle excise duty**

- (1) Subject to the provisions of this and the following section, a person who for any period keeps a vehicle in respect of which duty under the Act of 1962 has at any time become chargeable shall, whether or not it is still a mechanically propelled vehicle, be liable to pay duty under that Act in respect of the vehicle for that period.
- (2) Subject to the provisions of this and the following section, a person shall not be liable by virtue of subsection (1) of this section to pay duty under the Act of 1962 in respect of a vehicle—
- (a) for any period for which duty under that Act in respect of the vehicle has been paid and has not been repaid in consequence of the surrender of a licence ;
  - (b) for any period in respect of which he has, in accordance with regulations under the following section, given notice to the Minister that the vehicle will not be used or kept on a public road ;
  - (c) for any period when the vehicle is not a mechanically propelled vehicle and a notice stating that it has ceased to be such a vehicle has, in accordance with regulations under the following section, been given to the Minister and not revoked in pursuance of subsection (2) of that section;



- (d) for any period when the vehicle is exempt from duty by virtue of section 6 of the Act of 1962 (except subsection (2) or subsection (5) of that section) or section 11 of the Finance Act 1964;
  - (e) for any period when he keeps the vehicle solely for the purpose of selling or supplying it in the course of his business as a motor dealer or using it under the authority of a trade licence in the course of his business as a motor trader within the meaning of section 12 of the Act of 1962 ;
  - (f) in the case of such a vehicle as is mentioned in paragraph (d) of section 2(1) of the Act of 1962 (which relates to seven day licences for certain heavy goods vehicles), for any period as respects which the Minister is satisfied that the vehicle has not been used or kept on a public road otherwise than as authorised by a seven day licence;
  - (g) for any period by reference to which there was calculated an amount ordered to be paid by him in respect of the vehicle in pursuance of section 12(1) of the Finance Act 1967 (under which an amount related to the period during which a vehicle was unlicensed is required to be paid by the keeper of the vehicle who is convicted of using it during that period).
- (3) A person shall not by virtue of paragraph (b) of subsection (2) of this section be exempt from his liability for any period under subsection (1) of this section in respect of a vehicle if—
- (a) at any time during that period he or any other person with his consent uses or keeps the vehicle on a public road and no vehicle licence is in force for the vehicle at that time ; or
  - (b) after he has given notice under that paragraph in relation to the vehicle in respect of that period he applies for a vehicle licence for the vehicle to have effect on any day included in the first thirty days of that period;
- and for the purposes of paragraph (a) of this subsection the consent there mentioned shall be presumed to have been given unless the contrary is shown but any use or keeping of the vehicle in question as respects which the vehicle is exempt by virtue of any enactment for the time being in force from duty under the Act of 1962 shall be disregarded.
- (4) Sums payable in pursuance of this section by way of duty in respect of a vehicle shall accrue due from day to day at one three-hundred-and-sixty-fifth of the annual rate of duty applicable to the vehicle on that day.
- (5) Without prejudice to any other mode of recovering sums payable by virtue of this section, where an application for a vehicle licence for twelve months or four months for a vehicle is made by a person by whom such sums are payable in respect of the vehicle and a licence other than a temporary licence is to be issued in pursuance of the application, the licence shall, if the Minister so directs, be made to have effect for a shorter period specified in the direction, being a period which is not less than thirty days and is such that the difference between the amount tendered in connection with the application and the amount chargeable upon the licence for the specified period does not exceed the aggregate amount of the sums aforesaid; and the amount so chargeable shall be equal to the number of days in the specified period multiplied by—
- (a) where the application is for a licence for twelve months, one three-hundred-and-sixty-fifth of the annual rate of duty under the Act of 1962 payable in respect of the vehicle on the date of the application; and
  - (b) where the application is for a licence for four months, eleven three-thousand-six-hundred and fiftieths of that rate;

and where a licence is made to have effect for a specified period in pursuance of this subsection the aggregate amount of the sums aforesaid shall be treated as reduced by the difference aforesaid.

## **12 Provisions supplementary to s. 11**

- (1) For the purposes of the foregoing section, a vehicle in respect of which a licence has been issued under the Act of 1962 and sums are payable by virtue of that section for any period shall, except so far as it is shown to have been a mechanically propelled vehicle of some other class or description during that period, be deemed to have belonged throughout that period to the class or description to which it belonged on the date when the last such licence was issued in respect of it.
- (2) When a vehicle in respect of which a notice has been given in pursuance of paragraph (c) of subsection (2) of the foregoing section becomes a mechanically propelled vehicle, its keeper for the time being shall forthwith give to the Minister a further notice revoking the first-mentioned notice; and where a person required to give such a further notice does not do so, then—
  - (a) if he knowingly fails to give it he shall be guilty of an offence under this Act; and
  - (b) in a case where he became the keeper of the vehicle after the first-mentioned notice was given it shall be deemed to have been revoked on the date when he became the keeper of the vehicle, and in any other case the first-mentioned notice shall be deemed not to have been given.
- (3) The Minister may by regulations make such provision as he considers appropriate for the purposes of paragraph (b) or (c) of subsection (2) of the foregoing section or the foregoing subsection including, without prejudice to the generality of the power conferred by this subsection, provision—
  - (a) as to the form of and the particulars to be included in a notice under those provisions, the manner of giving such a notice and the time at which it is to be treated as being given;
  - (b) for securing that notice under the said paragraph (b) is not given in respect of a period of less than thirty days or more than twelve months;
  - (c) as to the mode of calculating the period in respect of which notice under the said paragraph (b) is to be treated as given;
  - (d) with respect to the mode of proving the giving of notice;
  - (e) for deeming notice to have been given in relation to a vehicle in respect of any period or at any time if in the circumstances of any particular case the Minister considers it reasonable to do so.
- (4) In calculating any amount for the purposes of section 12(1) of the Finance Act 1967 (of which the effect is mentioned in subsection (2)(g) of the foregoing section), no day shall be omitted from the relevant period within the meaning of the said section 12 in consequence of proof that the vehicle in question was neither kept nor used by the convicted person on a public road on that day unless it is also proved that he was exempt by virtue of subsection (2)(b) or (c) of the foregoing section from liability under subsection (1) of that section in respect of that day.

### *Drivers and driving licences*

#### **13 Alteration of provisions as to physical fitness of drivers**

For section 100 of the Act of 1960 (which imposes requirements as to the physical fitness of drivers) there shall be substituted the following section:—

##### **“100 Requirements as to physical fitness of drivers.**

- (1) An application for the grant of a licence shall include a declaration by the applicant, in such form as the Minister 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 prescribed disability or from any other disability likely to cause the driving of a vehicle by him in pursuance of the licence to be a source of danger to the public.
- (2) If it appears from the declaration aforesaid, or if on enquiry the licensing authority are satisfied from other information, that the applicant is suffering from a relevant disability, then, subject to the following provisions of this section, the authority shall refuse to grant the licence.
- (3) The licensing authority shall not by virtue of subsection (2) of this section refuse to grant a licence—
  - (a) on account of any relevant disability, if the applicant has at any time passed a relevant test and it does not appear to the licensing authority that the disability has arisen or become more acute since that time or was, for whatever reason, not disclosed to the appropriate licensing authority 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 other than a disability prescribed for the purposes of this paragraph, if the application is for a provisional licence.
- (4) If as a result of a test of competence to drive the licensing authority are satisfied that the person who took the test is suffering from a disability such that there is likely to be danger to the public—
  - (a) if he drives any vehicle ; or
  - (b) if he drives a vehicle other than a vehicle of a particular construction or design,

the licensing authority shall serve notice in writing to that effect on that person and shall include in the notice a description of the disability; and where a notice is served in pursuance of this subsection, then—

- (i) if the notice is in pursuance of paragraph (a) of this subsection and the disability is not prescribed for the purposes of subsection (3)(c) of this section, it shall be deemed to be so prescribed in relation to the person aforesaid; and
- (ii) if the notice is in pursuance of paragraph (b) of this subsection, any licence granted to that person shall be limited to vehicles of the particular construction or design specified in the notice.

(5) If the licensing authority by whom a current licence was granted are at any time satisfied on inquiry—

- (a) that the licence holder is suffering from a relevant disability; and
- (b) that the authority would be required by virtue of subsection (2) or subsection (4)(ii) of this section to refuse an application for the licence made by him at that time,

the authority may serve notice in writing on the licence holder revoking the licence at the expiration of a period specified in the notice which shall not be less than seven nor more than thirty days and shall begin with the date of service of the notice; and it shall be the duty of a person whose licence is revoked under this subsection to deliver up the licence to the licensing authority forthwith after the revocation.

(6) In this section—

" disability " includes disease;

" relevant disability " means such a disability as is mentioned in subsection (1) of this section; and

" relevant test ", in relation to an application for a licence, means any such test of competence as is mentioned in section 99(1)(a) of this Act or a test as to fitness or ability in pursuance of section 100 of this Act as originally enacted, being a test authorising the grant of a licence in respect of vehicles of the classes or descriptions to which the application relates;

and for the purposes of subsection (3)(a) of this section a person to whom a licence was granted after the making of a declaration under paragraph (c) of the proviso to section 5(2) of the Road Traffic Act 1930 (which contained transitional provisions with respect to certain disabilities) shall be treated as having passed, at the time of the declaration, a relevant test in respect of vehicles of the classes or descriptions to which the licence related."

#### **14 Alteration of provisions as to grant and duration etc. of licences**

(1) For sections 101 and 102 of the Act of 1960 (which among other things relate to the grant and duration of driving licences) there shall be substituted the following sections:

##### **“101 Grant of licences.**

(1) Subject to the last foregoing section, the licensing authority shall, on payment of the prescribed fee, grant a licence to a person who—

- (a) makes an application for it in such manner and containing such particulars as the Minister may specify ; and
- (b) furnishes the authority with such evidence or further evidence in support of the application as the authority may require; and
- (c) surrenders to the authority any previous licence granted to him after this subsection comes into force or furnishes the authority with an explanation for not surrendering it which the authority consider adequate ; and

- (d) is not disqualified by reason of age or otherwise for obtaining the licence for which he makes the application and is not prevented from obtaining it by the provisions of section 99 of this Act.
- (2) If the application aforesaid 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 99 of this Act shall apply to such a licence; but a provisional licence shall—
- (a) be granted subject to prescribed conditions ; and
  - (b) in any cases prescribed for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes or descriptions so prescribed.
- (3) A licence shall be in such form as the Minister may determine and shall—
- (a) state whether, apart from subsection (4) of this section, it authorises its holder to drive motor vehicles of all classes and descriptions or of certain classes or descriptions only and, in the latter case, specify those classes or descriptions;
  - (b) specify any restrictions to which, under the provisions of this Part of this Act, its holder is subject as respects the driving of vehicles of any class or description in pursuance of the licence;
  - (c) in the case of a provisional licence, specify the conditions subject to which it is granted; and
  - (d) where by virtue of subsection (4) of this section the licence authorises its holder to drive vehicles of classes or descriptions other than those specified in the licence in pursuance of paragraph (a) of this subsection, contain such statements as the Minister considers appropriate for indicating the effect of that subsection.
- (4) A licence which, apart from this subsection, authorises its holder to drive motor vehicles of certain classes or descriptions only shall also authorise him to drive motor vehicles of all other classes and descriptions subject to the same conditions as if he were authorised by a provisional licence to drive the last-mentioned vehicles; but a licence shall not by virtue of this subsection authorise a person to drive—
- (a) a vehicle which he is prohibited from driving by section 97 of this Act; or
  - (b) such a motor cycle as is mentioned in section 2 of the Road Traffic (Driving of Motor Cycles) Act 1960 (under which a provisional licence does not authorise the driving of heavy motor cycles) unless he has passed the test there mentioned.
- (5) In subsection (4) of this section the first reference to a licence does not include a reference to a licence granted before that subsection came into force or a provisional licence granted thereafter or any other licence of a description prescribed for the purposes of this subsection.
- (6) A person who fails to comply with any condition applicable to him by virtue of subsection (2) or subsection (4) of this section shall be liable on summary conviction to a fine not exceeding fifty pounds.

**102 Duration of licences.**

- (1) A licence shall, unless previously revoked or surrendered, remain in force—
- (a) except in a case falling within paragraph (b) or (c) of this subsection, for a period of three years or, if the licensing authority so determine in the case of a licence to be granted to a person appearing to the authority to be suffering from a relevant disability within the meaning of section 100 of this Act, for such shorter period, not less than one year, as the authority may determine;
  - (b) 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;
  - (c) in the case of a provisional licence, for a period of one year ;
- and any such period shall begin with the date on which the licence in question is expressed to come into force.
- (2) Where it appears to the licensing authority that a licence granted by them to any person is required to be endorsed in pursuance of any enactment or was granted in error or with an error or omission in the particulars specified in the licence or required to be so endorsed on it, the authority may serve notice in writing on that person revoking the licence and requiring him to deliver up the licence forthwith to the authority.
- (3) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder shall forthwith surrender the licence to the licensing authority and furnish to the authority particulars of the alterations falling to be made in the name or address and, in the case of a provisional licence as respects which the prescribed conditions are satisfied, with a statement of his sex and date of birth.
- (4) On the surrender of a licence by any person in pursuance of subsection (2) or subsection (3) of this section, the licensing authority—
- (a) shall, except where the licence was granted in error or is surrendered in pursuance of the said subsection (2) in consequence of an error or omission appearing to the authority to be attributable to that person's fault or in consequence of a current disqualification ; and
  - (b) may in such an excepted case which does not involve a current disqualification,
- grant to that person free of charge a new licence for the period for which the surrendered licence was granted.
- (5) A person who fails to comply with the provisions of subsection (3) of this section shall be liable on summary conviction to a fine not exceeding twenty pounds.”

- (2) A licence in force by virtue of section 101 or section 102 of the Act of 1960 immediately before subsection (1) of this section comes into force shall have effect thereafter as if duly granted in pursuance of section 101 of that Act (as replaced by that subsection) on the day on which it was actually granted ; but nothing in this section shall extend the duration of a provisional licence granted before that subsection comes

into force or the duration of a licence so granted to a person as resident outside the United Kingdom.

## **15 Alteration of provisions about appeals in respect of licences**

For section 103 of the Act of 1960 (which provides for an appeal against the refusal or revocation of a driving licence) there shall be substituted the following section:—

### **“103 Appeals relating to licences.**

A person who is aggrieved by the licensing authority's—

- (a) refusal to grant or revocation of a licence in pursuance of section 100 of this Act; or
- (b) grant of a licence for less than three years in pursuance of section 102(1) (a) of this Act; or
- (c) revocation of a licence in pursuance of section 102(2) of this Act,

or by a notice served on him in pursuance of section 100(4) of this Act may, after giving to the licensing authority notice of his intention to do so, appeal to a magistrates' court acting for the petty sessions area in which he resides or, if he resides in Scotland, to the sheriff within whose jurisdiction he resides; and 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 licensing authority.”

## **16 Other amendments of enactments relating to drivers etc.**

- (1) At the end of section 98 of the Act of 1960 (under which it is an offence to drive or to employ a person to drive a vehicle unless the driver holds an appropriate driving licence) there shall be added the following subsections:—

“(5) Notwithstanding the foregoing provisions of this section, a person may at any time drive or employ another person to drive a vehicle of any class or description if—

- (a) the driver has held and is entitled to obtain a licence to drive vehicles of that class or description ; and
- (b) an application by the driver for the grant of such a licence for a period which includes that time has been received by the licensing authority or such a licence granted to him has been revoked or surrendered in pursuance of section 102 of this Act; and
- (c) any conditions which by virtue of section 101(2) or (4) of this Act apply to the driving under the authority of the licence of vehicles of that class or description are complied with ;

but the benefit of the foregoing provisions of this subsection shall not extend beyond the date when a licence is granted in pursuance of the application mentioned in paragraph (b) above or, as the case may be, in pursuance of subsection (4) of the said section 102 in consequence of the revocation or surrender so mentioned nor (in a case where a licence is not in fact so granted) beyond the expiration of the period for which it fell to be granted.

- (6) 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 subsections (1) and (2) of this section as the holder of a

licence authorising him to drive motor vehicles of the prescribed classes or descriptions if he satisfies the prescribed conditions and 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; and the regulations may provide for the application of any enactment relating to licences or licence holders, with or without modifications, in relation to any such permit and its holder respectively.”

- (2) The Act of 1960 shall have effect subject to the further amendments specified in Schedule 2 to this Act.
- (3) In section 7(4) of the Road Traffic Act 1962 (under which a court must in certain circumstances require a driving licence to be produced for endorsement) after the words " as required " there shall be inserted the words " then, unless he satisfies the court that he has applied for a new licence and has not received it ".
- (4) In section 7(7) of the Road Traffic Act 1962 (which provides for the issue of driving licences free from endorsements) for the words from " either " to " time " there shall be substituted the words " on applying for the grant of a licence in pursuance of paragraph (a) of subsection (1) of section 101 of the principal Act and satisfying the other requirements of that subsection ".
- (5) In section 19(2) of the Road Safety Act 1967 (which prohibits the grant of a full licence to drive heavy goods vehicles of any class unless the applicant satisfies the licensing authority that during the preceding ten years he has passed the driving test or held a full licence for vehicles of that class) and in section 19(7) of that Act (which enables such a licence to be granted to a person who has held a corresponding Northern Ireland licence during that period) for the words " ten years " there shall be substituted the words " five years ".
- (6) In section 85(2)(a) of the Road Traffic Regulation Act 1967 (under which the owner of a vehicle may be required to identify the driver of it who is alleged to have committed an offence to which that section applies) for the words " owner of " there shall be substituted the words " person keeping ".
- (7) A notice sent by a court to the licensing authority or the Minister in pursuance of section 112 of the Act of 1960, section 4 of the Road Traffic Act 1962 or section 56(10) of the Criminal Justice Act 1967 shall be sent in such manner and to such address and contain such particulars as the Minister may determine, and a licence so sent in pursuance of the said section 112 shall be sent to such address as the Minister may determine.

#### *Miscellaneous*

### 17 **Regulations with respect to the transfer and identification of vehicles**

For section 16 of the Act of 1962 (which enables regulations to be made with respect to the registration etc. of vehicles) there shall be substituted the following section:—

#### **“16 Regulations with respect to the transfer and identification of vehicles.**

Regulations under this Act may—

- (a) require a person who becomes or ceases to be the keeper of a mechanically propelled vehicle, or who acts as the auctioneer at the



- sale of such a vehicle by auction, to furnish the prescribed information to the Minister in the prescribed manner ;
- (b) specify the size, shape and character of the registration marks or the signs to be affixed to any such vehicle (including a vehicle used by virtue of a trade licence) and the manner in which the marks or signs are to be displayed and rendered easily distinguishable by day and by night;
  - (c) make provision with respect to the furnishing of information and production of certificates of insurance or security and test certificates relating to mechanically propelled vehicles in respect of which duty is not chargeable under this Act and with respect to the registration and identification of such vehicles (including vehicles belonging to the Crown);
  - (d) make provision with respect to the inspection and surrender of any registration document issued in respect of a vehicle and provide that, in a case where the surrender of such a document is required in connection with an application for a licence under this Act, the licence shall not be issued if the document is not surrendered;
  - (e) make provision with respect to the replacement of any such document and as to the fee payable in prescribed circumstances in respect of any replacement; and
  - (f) provide for information contained in any records maintained by the Minister with respect to the marking, registration or keeping of vehicles to be made public or to be made available, either without payment or on payment of the prescribed fee, to such persons as may be determined by or under the regulations.”

## **18 Copies of test certificates**

- (1) The power to make regulations conferred by section 65(6) of the Act of 1960 (which relates to vehicle tests) shall include power to make provision as to the issue of copies of test certificates within the meaning of that section and as to the fees to be paid for the issue of copies; and in section 66(6) of that Act (which among other things enables regulations to provide that a licence for a vehicle shall be refused unless an effective test certificate for the vehicle is produced) at the end of paragraph (a) there shall be inserted the words " the furnishing to the Minister of a copy of such a certificate, or "
- (2) Regulations under subsection (9) of section 14 of the Road Safety Act 1967 (which enables regulations to provide that licences under the Act of 1962 shall not be granted for goods vehicles to which subsection (2) or subsection (3) of that section applies unless evidence is produced that test certificates are in force for the vehicles or that they comply with the relevant type approval requirements) may be made so as to apply to such classes only of those vehicles as may be specified in the regulations.

## **19 Marking of engines and bodies**

- (1) The Minister may by regulations make such provision as he thinks appropriate with respect to the marking of the engines and bodies of mechanically propelled vehicles.
- (2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may include provision—

- (a) as to the persons by whom and the times at which engines and bodies of vehicles are to be marked;
- (b) as to the form of any mark and the manner and position in which it is to be made ;
- (c) for requiring particulars of marks made in pursuance of the regulations to be furnished to the Minister ; and
- (d) providing that a person who contravenes or fails to comply with any specified provision of the regulations shall be guilty of an offence under this Act.

## **20 Issue etc. of vehicle registration marks by motor dealers**

- (1) The Minister may by regulations make such provision as he considers appropriate with respect to the allocation of registration marks for vehicles to motor dealers who apply for such allocations and appear to the Minister suitable to receive them and with respect to the assigning of the marks to vehicles by motor dealers.
- (2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may include provision—
  - (a) as to the mode of application for the allocation of registration marks;
  - (b) as to the transfer of registration marks allocated to a motor dealer in cases where the dealer dies or becomes incapacitated or bankrupt and in such other cases as may be prescribed ; and
  - (c) subject to section 21(2) of this Act, as to the cancellation of allocations of registration marks.
- (3) Without prejudice to the generality of subsection (1) of this section, regulations under this section may also include provision for—
  - (a) restricting the circumstances in which a motor dealer may assign a registration mark to a vehicle;
  - (b) securing that registration marks allocated to a dealer are assigned by him in such sequence as the Minister considers appropriate and that no registration mark is assigned to a vehicle to which such a mark has already been assigned;
  - (c) requiring a motor dealer to furnish the Minister within the prescribed period with the prescribed particulars in respect of each vehicle to which the dealer assigns a registration mark; and
  - (d) providing that a person who contravenes or fails to comply with any specified provision of the regulations shall be guilty of an offence under this Act.
- (4) A registration mark assigned to a vehicle in pursuance of this section shall be deemed to be assigned to it under section 13 of the Act of 1962.
- (5) Where particulars in respect of a vehicle are furnished to the Minister in pursuance of this section before the Minister first issues a vehicle licence for the vehicle, the Minister shall register the vehicle in accordance with the said section 13 on receiving the particulars instead of on the first issue of a licence and shall not be required to assign a registration mark to the vehicle ; and for the purposes of section 4(1) of the Road Traffic (Amendment) Act 1967 (under which the period after which a test certificate is required for a vehicle used before being registered in accordance with the said section 13 is calculated by reference to the vehicle's date of manufacture) any use of a vehicle before it is so registered and after a mark is assigned to it in pursuance of this section shall be disregarded.

## **21 Review of decisions relating to motor traders etc.**

- (1) If the Minister—
- (a) rejects an application by a motor dealer for an allocation of temporary licences or registration marks in pursuance of this Act; or
  - (b) requires a motor dealer or any other person to surrender any unissued licences allocated to the dealer in pursuance of this Act or cancels an allocation of registration marks made to a dealer in pursuance of this Act; or
  - (c) refuses an application for a trade licence made by a motor trader or vehicle tester within the meaning of section 12 of the Act of 1962,
- and the dealer, trader, tester or other person in question requests the Minister within the prescribed period to review his decision, it shall be the duty of the Minister to comply with the request and, in doing so, to consider any representations made to him in writing within the period aforesaid by the person who made the request.
- (2) Such a requirement or cancellation as is mentioned in paragraph (b) of subsection (1) of this section shall not take effect before the expiration of the period aforesaid and, where during that period a request is made in pursuance of that subsection in respect of the requirement or cancellation, shall not take effect before the Minister gives notice in writing of the result of the review to the person who made the request.
- (3) Where in pursuance of subsection (7) of the said section 12 (which relates to appeals to the Minister from refusals of local authorities to issue trade licences) an appeal is pending immediately before the date when the repeal of that subsection by this Act takes effect, the making of the appeal shall be treated as a request in pursuance of subsection (1) of this section in respect of such a refusal as is mentioned in paragraph (c) of that subsection.

## **22 Information as to date of birth and sex**

- (1) If on convicting a person of an offence specified in Part I or Part II of Schedule 1 to the Road Traffic Act 1962 (which relates to offences involving endorsements of driving licences and disqualifications) or of an offence treated as so specified by virtue of section 5 of the Road Safety Act 1967 or of such other offence as may be prescribed, the court orders his driving licence to be endorsed or orders him to be temporarily disqualified and does not know his date of birth, the court shall order him to state that date in writing.
- (2) It shall be the duty of a person giving a notification to the clerk of a court in pursuance of section 1(2) of the Magistrates' Courts Act 1957 (which relates to pleas of guilty in the absence of the accused) in respect of an offence mentioned in subsection (1) of this section to include in the notification a statement of the date of birth and the sex of the accused ; and in a case where the foregoing provisions of this subsection are not complied with the court shall, if on convicting the accused it orders his driving licence to be endorsed or orders him to be temporarily disqualified and does not know his date of birth or sex, order him to furnish that information in writing to the court.
- (3) References in this section to temporary disqualification are references to disqualification in pursuance of subsection (8) of section 56 of the Criminal Justice Act 1967; and nothing in subsection (5) of that section (which provides that where a magistrates' court commits a person to another court under subsection (1) of that section, certain of its powers and duties are transferred to that other court) shall apply to any duty imposed upon a magistrates' court by the foregoing provisions of this section in consequence of an order for temporary disqualification.

- (4) A person who knowingly fails to comply with an order under subsection (1) or subsection (2) of this section shall be guilty of an offence under this Act.
- (5) In section 225 of the Act of 1960, at the end of subsection (1) (which enables a constable to require the production of a driving licence in certain circumstances) there shall be inserted the words " and shall in prescribed circumstances, on being so required by the constable, state his date of birth "; and in subsection (4) (which penalises a failure to produce a licence to a constable in pursuance of that section) after the words " to produce a licence " there shall be inserted the words " or state his date of birth ".
- (6) Where in accordance with this section a person has stated his date of birth to a court or a constable or in such a notification as aforesaid, the Minister may serve on that person a notice in writing requiring him to furnish the Minister—
- (a) with such evidence in that person's possession or obtainable by him as the Minister 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 shall be guilty of an offence under this Act.
- (7) In the application of this section to Scotland—
- (a) for subsection (2) there shall be substituted the following subsection:—
 

“(2) Where, in pursuance of section 26(3) of the Summary Jurisdiction (Scotland) Act 1954 (pleas in absence of accused), a person gives written intimation of a plea of guilty in respect of an offence mentioned in subsection (1) of this section, he shall include in that written intimation a statement of the accused's date of birth and sex, and in a case where the foregoing provisions of this subsection are not complied with the court, if on convicting the accused it orders his licence to be endorsed and does not know his date of birth or sex, shall order him to furnish that information in writing to the court;”
  - (b) in subsection (6) for the word " notification " there shall be substituted the words " written intimation ".

## 23 Powers to prescribe fees

- (1) The amount of the fees payable under the following enactments, that is to say—
- (a) section 99(2)(b) of the Act of 1960 (driving tests);
  - (b) sections 101 and 102 of that Act, as replaced by section 14 of this Act (new driving licences);
  - (c) section 113(g) of that Act (replacement of lost or defaced driving licences);
  - (d) section 8(4) of the Act of 1962 (replacement of lost or destroyed vehicle licences);
  - (e) section 16(1)(b) and (e) or, after the coming into force of section 17 of this Act, section 16(e) and (f) of the Act of 1962 (replacement of documents and furnishing of information); and
  - (f) section 6 of this Act,
- shall be such as may be approved by the Treasury.

- (2) Accordingly the following enactments shall have effect subject to the following amendments—

in section 113(g) of the Act of 1960 the words " not exceeding two shillings and sixpence " shall cease to have effect, and at the end of that section there shall be inserted the following paragraph:—

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.;

in section 8(4) of the Act of 1962 the words " (not exceeding five shillings)" shall cease to have effect;

in section 16(1) of the Act of 1962 the words " (which shall not exceed five shillings)" in paragraph (b) and " (not exceeding five shillings)" in paragraph (e) shall cease to have effect,

at the end of section 23(2) of the Act of 1962 there shall be inserted the words " but any fee prescribed under this Act shall be of an amount approved by the Treasury ".

*Legal proceedings etc.*

**24 Appeal to county court or sheriff from direction under s. 8(4) or s. 11(5)**

A person who, in pursuance of section 8 of this Act, is paid a sum which was calculated by reference to a period specified in a direction under subsection (4) of that section, or to whom a vehicle licence is issued for a period specified in a direction under subsection (5) of section 11 of this Act, may appeal to the county court, or in Scotland by way of summary application to the sheriff, on the ground that the Minister was not authorised by that subsection to give the direction.

**25 Institution and conduct of proceedings in England and Wales**

- (1) Subject to the provisions of this section, proceedings for any offence under the Act of 1962 may be instituted in England and Wales by a local authority.
- (2) Subject to the provisions of this section, summary proceedings for an offence under section 7, 10(4), 12(9) or 17(1) or (2) of the Act of 1962 or section 12(2) of this Act or regulations made in pursuance of that Act or in pursuance of section 6, 19 or 20 of this Act may be instituted in England and Wales by the Minister, a local authority or a constable (in this section severally referred to as " the authorised prosecutor ") at any time within six months from the date on which evidence sufficient in the opinion of the authorised prosecutor to warrant the proceedings came to his knowledge; but no proceedings for any offence shall be instituted by virtue of this subsection more than three years after the commission of the offence.
- (3) No proceedings for an offence under section 7, 10(4) or 12(9) of the Act of 1962 shall be instituted in England and Wales except by the authorised prosecutor; and no proceedings for such an offence shall be so instituted by a constable except with the approval of the Minister or a local authority.
- (4) A certificate stating—
- (a) the date on which such evidence as is mentioned in subsection (2) of this section came to the knowledge of the authorised prosecutor ; or

- (b) that the Minister's or a local authority's approval is given for the institution by a constable of any proceedings specified in the certificate, and signed by or on behalf of the authorised prosecutor or, as the case may be, the Minister or the local authority shall for the purposes of this section be conclusive evidence of the date or approval in question ; and a certificate purporting to be given in pursuance of this subsection and to be signed as aforesaid shall be deemed to be so signed unless the contrary is proved.
- (5) No proceedings for an offence shall be instituted or approved by virtue of the foregoing provisions of this section by the Minister before the transfer date or by a local authority on or after that date.
- (6) In a magistrates' court or before the registrar of a county court any proceedings by or against the Minister under this Act, the Act of 1962 or Part II of the Act of 1960 may be conducted on behalf of the Minister by a person authorised by him for the purposes of this subsection.
- (7) Section 19(1) of the Act of 1962 (which relates to the institution of proceedings in England and Wales) shall cease to have effect.

## **26 Institution and conduct of proceedings in Scotland**

- (1) Subject to the provisions of this section, summary proceedings for an offence under the Act of 1962 except under section 17(1) or (2) thereof, or for an offence under this Act, except under section 22 thereof, may be instituted in Scotland by the Minister or, within their area, by a local authority.
- (2) Notwithstanding the provisions of any enactment, the Minister or a local authority may institute proceedings by virtue of subsection (1) of this section in any court of summary jurisdiction in Scotland.
- (3) Any proceedings in any court in Scotland, other than the High Court of Justiciary or the Court of Session, by or against the Minister under this Act, the Act of 1962 or Part II of the Act of 1960 may be conducted on behalf of the Minister by any person authorised by him for the purposes of this subsection.
- (4) Summary proceedings in Scotland in respect of an offence under section 7, 10(4), 12(9) or 17(1) or (2) of the Act of 1962 or section 12(2) of this Act or under regulations made in pursuance of that Act or in pursuance of section 6, 19 or 20 of this Act, shall not be commenced more than three years after the commission of the offence, but subject to the foregoing limitation and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954 (limitation of time for proceedings in statutory offences) any such proceedings may be commenced—
- (a) in the case of proceedings instituted by the procurator fiscal as a result of information supplied to him by the Minister or a local authority, at any time within six months from the date on which such information came to the knowledge of the Minister or the local authority ;
  - (b) in any other case, at any time within six months from the date on which evidence sufficient in the opinion of the person instituting the proceedings to justify proceedings came to his knowledge,
- and subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section.
- (5) For the purposes of subsection (4) of this section a certificate signed—

- (a) in the case of any such proceedings as are mentioned in paragraph (a) of that subsection, by or on behalf of the Minister or the local authority;
  - (b) in any other case, by or on behalf of the person instituting the proceedings, and stating the date on which such information or, as the case may be, such evidence as aforesaid came to his or their knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be signed by or on behalf of the Minister or the local authority or that person shall be deemed to be so signed unless the contrary is proved.
- (6) No proceedings for an offence shall be instituted by virtue of the foregoing provisions of this section by the Minister before the transfer date or by a local authority on or after that date.
- (7) Section 19(2) of the Act of 1962 (under which certain provisions of the Customs and Excise Act 1952 are not to apply to offences under the Act of 1962) shall not extend to Scotland except so far as it relates to section 287 of the said Act of 1952.
- (8) Section 19(3) of the Act of 1962 (which relates to the institution of proceedings in Scotland) shall cease to have effect.

## **27 Admissibility of records as evidence**

- (1) A statement contained in a document purporting to be—
- (a) a part of the records maintained by the Minister or a local authority in connection with the relevant functions or any other functions exercisable by the Minister by virtue of this Act or a part of any other records maintained by the Minister with respect to vehicles; or
  - (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 in that behalf by the Minister or, in the case of records maintained by a local authority, by the authority shall be admissible in any proceedings as evidence of any fact stated therein to the same extent as oral evidence of that fact is admissible in those proceedings.
- (2) In subsection (1) of this section "document" and "statement" have the same meanings as in subsection (1) of section 10 of the Civil Evidence Act 1968, and the reference to a copy of a document shall be construed in accordance with subsection (2) of that section; but nothing in this subsection shall be construed as limiting to civil proceedings the references to proceedings in subsection (1) of this section.
- (3) Nothing in the foregoing provisions of this section shall enable evidence to be given with respect to any matter other than a matter of the prescribed description.
- (4) In its application to Scotland this section shall have effect as if—
- (a) in subsection (1), for the words from "as evidence" onwards there were substituted the words "as sufficient evidence of any fact stated therein, so however that nothing in this subsection shall be deemed to make such a statement evidence in any proceedings except where oral evidence to the like effect would have been admissible in those proceedings"; and
  - (b) in subsection (2), for the references to subsections (1) and (2) of section 10 of the Civil Evidence Act 1968 there were substituted references to subsections (3) and (4) respectively of section 17 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968.

**28 Alteration of penalties and offences and the application of sums under 1962 c. 13 ss. 17, 18 and 21 etc.**

- (1) In section 17(1) and (2) of the Act of 1962 (under which a fine of £50 or imprisonment for six months may be imposed on summary conviction for offences under those subsections) for the words from " fifty pounds " onwards there shall be substituted the words " two hundred pounds or on conviction on indictment to imprisonment for a term not exceeding two years ".
- (2) The said section 17(1) and (2) shall have effect subject to the following further amendments, that is to say—
- (a) in subsection (1)(b) for the word " book " there shall be substituted the word " document ";
  - (b) in subsection (2)(a) (which penalises a false declaration in connection with an application for a licence under the Act of 1962 for a vehicle) the reference to such an application shall include a reference to an application for an allocation in pursuance of section 6 or section 20 of this Act; and
  - (c) in subsection (2)(b) (which penalises the furnishing of false particulars in connection with a change of registration of a vehicle) the reference to the Act of 1962 shall be construed as including a reference to this Act and for the words " in connection with a change of registration " there shall be substituted the words " relating to, or to the keeper ".
- (3) For section 17(3) of the Act of 1962 (under which a fine of £20 may be imposed for any infringement of regulations under that Act) there shall be substituted the following subsection:—
- “(3) Regulations under this Act may provide that a person who contravenes or fails to comply with any specified provision of the regulations shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding—
- (a) in the case of a contravention or failure to comply with requirements imposed in pursuance of section 16(a) of this Act, fifty pounds ;
  - (b) in any other case, twenty pounds.”
- (4) In section 18 of the Act of 1962 (under which information may be required as to the identity of persons alleged to be concerned in an offence under section 7 or section 12(9) of that Act)—
- (a) after the words " section seven " in subsections (1) and (2)(a) there shall be inserted the words " subsection (4) of section ten ";
  - (b) for the word " owner" in subsection (1)(a) there shall be substituted the words " person keeping "; and
  - (c) in subsection (3) for the words " twenty pounds " there shall be substituted the words " fifty pounds ";
- and in section 12(8) of the Finance Act 1967 (under which information may be required as to the identity of the keeper of a vehicle alleged to have been used in contravention of the said section 7) for the words " twenty pounds " there shall be substituted the words " fifty pounds ".
- (5) Nothing in any of the foregoing provisions of this section shall apply to an offence committed before that provision comes into force.
- (6) In section 21 of the Act of 1962 (which provides for the application of fines imposed and penalties recovered by virtue of that Act), the references to that Act shall include



references to this Act, excluding sections 14 and 22; and in section 21(2) of the Act of 1962, after the word " and" where it first occurs there shall be inserted the words " penalties and ".

## **29 Defence to charge of using or keeping vehicle where new licence pending**

- (1) In any proceedings for an offence under section 7 or section 8(3) of the Act of 1962 of using or keeping at any time on a public road a mechanically propelled vehicle for which no licence was then in force or, as the case may be, without a current licence being then fixed to and exhibited on the vehicle, it shall be a defence to prove that—
  - (a) while an expired licence for the vehicle was in force an application was duly made for a further licence for the vehicle to take effect from or before the expiration of the expired licence and for a period including the time in question; and
  - (b) the expired licence was at that time fixed to and exhibited on the vehicle in the manner prescribed in pursuance of the said section 8(3); and
  - (c) the period between the expiration of the expired licence and that time did not exceed fourteen days.
- (2) In subsection (1) of this section " licence " means a vehicle licence other than a trade licence, and for the purposes of paragraph (a) of that subsection an application for a further licence is made when the application is received by the Minister.
- (3) Accordingly, in subsection (1) of section 21 of the Civic Amenities Act 1967 (which relates to the disposal of abandoned vehicles)—
  - (a) any reference in paragraphs (a) and (b) to a current licence shall be construed as including a reference to a licence which was current during any part of the period of fourteen days ending with the day preceding that on which the removal of the vehicle in question took place; and
  - (b) the reference in paragraph (b) to the expiration of a licence shall be construed as a reference to the expiration of the period of fourteen days beginning with the day following that on which the licence expired,and for the purposes of paragraph (c) of that subsection an expired licence shall be treated as still in force during the period of fourteen days beginning with the day following that on which it expired, and the reference in that paragraph to the expiration of the licence shall be construed accordingly.

## **30 Fixing of amount payable under 1967 c. 54 s. 12 on plea of guilty by absent accused**

Where in pursuance of section 1(2) of the Magistrates' Courts Act 1957 a person is convicted in his absence of an offence under section 7 of the Act of 1962 (which penalises the using or keeping of an unlicensed vehicle) and it is proved to the satisfaction of the court, on oath or in the manner prescribed by rules made under section 15 of the Justices of the Peace Act 1949, that there was served on the accused with the summons a notice stating that, in the event of his being convicted of the offence, it will be alleged that an order requiring him to pay an amount specified in the notice falls to be made by the court in pursuance of subsection (1) of section 12 of the Finance Act 1967 (under which an amount related to the period during which a vehicle was unlicensed is required to be paid by the keeper of the vehicle who is convicted of using it during that period) then, unless in the notification purporting to be given by or on behalf of the accused in pursuance of the said section 1(2) it is stated that the

amount so specified is inappropriate, the court shall proceed in pursuance of the said subsection (1) as if that amount had been calculated as required by that subsection.

### **31 Jurisdiction under 1960 c. 16 s. 103**

It is hereby declared that, without prejudice to section 99(3) of the Act of 1960 (under which a magistrates' court or the sheriff may, on the application of a person who has taken a test of competence to drive, determine that the test was improperly carried out and authorise the applicant to take a further test without payment), in any proceedings under section 103 of that Act (which among other things provides for an appeal against the refusal or revocation of a driving licence) the court or sheriff is not entitled to entertain any question as to whether the appellant passed such a test if he was declared by the person who conducted it to have failed it.

### **32 Offences under this Act**

A person guilty of an offence under this Act shall be liable on summary conviction to a fine of an amount not exceeding—

- (a) in the case of an offence under section 7(2), 8(4), 12(2) or 22 or regulations made in pursuance of section 19 of this Act, fifty pounds ;
- (b) in any other case, twenty pounds.

### *Supplemental*

### **33 Interpretation**

(1) In this Act the following expressions have the following meanings unless the contrary intention appears, that is to say—

" the Act of 1960 " means the Road Traffic Act 1960 ;

" the Act of 1962 " means the Vehicles (Excise) Act 1962 ;

" local authority " means the council of a county, the Greater London Council, the council of a county borough and the council of a burgh within the meaning of the Local Government (Scotland) Act 1947 containing a population, according to the census for the time being last taken, of or exceeding fifty thousand, and for the purposes of this definition every other burgh shall be deemed to form part of the county in which it is situated;

" the Minister " means the Minister of Transport;

" motor dealer " means a person carrying on the business of selling or supplying mechanically propelled vehicles ;

" prescribed " means prescribed by regulations made by the Minister;

" public road ", " trade licence " and " general trade licence " have the same meanings as in the Act of 1962;

" relevant functions " and " the transfer date " have the meanings assigned to them by section 1(2) of this Act;

" seven day licence " means a licence for which provision is made by section 2(1)(d) of the Act of 1962 ;

" temporary licence " has the meaning assigned to it by section 5(1) of this Act; and

" vehicle licence " means a licence under the Act of 1962.

- (2) Unless the contrary intention appears, any reference in this Act to any enactment is a reference to it as amended by or under any other enactment including this Act.

### **34 Orders and regulations**

- (1) Any power to make orders or regulations conferred on the Minister by this Act shall be exercisable by statutory instrument; and any statutory instrument made by virtue of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any order under this Act made by the Minister and any regulations so made under this Act, Part II of the Act of 1960 or the Act of 1962 may—
- (a) make different provision for different circumstances ;
  - (b) provide for exemptions from any provisions of the order or regulations ; and
  - (c) contain such incidental and supplemental provisions as the Minister considers expedient for the purposes of the order or regulations,
- and nothing in any other provision of this Act or those enactments shall be construed as prejudicing the generality of the foregoing provisions of this subsection.
- (3) Any power to make an order or regulations which is exercisable by the Minister by virtue of this Act includes power to provide by the order or regulations that any document for which provision is made by the order or regulations shall be in such form and contain such particulars as may be specified by a person specified in the order or regulations.
- (4) An order made by the Minister under any provision of this Act (except an order under section 2(1) in so far as the order transfers any property, rights or liabilities, an order appointing the transfer date and an order under section 38(2) of this Act) may be revoked or varied by a subsequent order under that provision.
- (5) In section 23(1) of the Act of 1962 (which among other things confers power to make regulations for the purpose of carrying that Act into effect), the second reference to that Act and the reference to any other provision of that Act shall be construed as including a reference to this Act, except so far as it relates to driving licences and test certificates and except section 27.

### **35 Service of notices**

A notice authorised to be served on any person by section 100 or section 102(2) of the Act of 1960 or section 21(2) or section 22(6) of this Act 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 section and section 26 of the Interpretation Act 1889 in its application to this section the proper address of any person shall be his latest address as known to the person giving the notice.

### **36 Financial provisions**

- (1) There shall be defrayed out of moneys provided by Parliament—
- (a) any expenses incurred by the Minister by virtue of this Act; and
  - (b) any increase attributable to the provisions of this Act in the sums payable under any other enactment out of moneys so provided.

- (2) Any sums received by the Minister by virtue of this Act by way of fees shall be paid into the Consolidated Fund.

**37 Repeals**

The enactments mentioned in the first and second columns of Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

**38 Short title, commencement and extent**

- (1) This Act may be cited as the Vehicle and Driving Licences Act 1969.
- (2) This Act shall come into force on such day as the Minister may by order appoint; and different days may be appointed under this subsection for different provisions of this Act, or for different provisions of this Act so far as they apply to such cases only as may be specified in the order.
- (3) This Act does not extend to Northern Ireland.

## SCHEDULES

### SCHEDULE 1

#### CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

Section 2(8).

#### PART I

##### AMENDMENTS CONSEQUENTIAL ON S 1

###### *The Road Traffic Act 1960*

1 At the end of section 115 of the Act of 1960 there shall be inserted the following subsection:—

“(2) For the purposes of this Part of this Act the licensing authority is—

- (a) on and after the transfer date within the meaning of the Vehicle and Driving Licences Act 1969, the Minister; and
- (b) before that date, the relevant council specified in section 101(1) of this Act as in force immediately before the coming into force of section 14 of that Act,”

2 Any reference in Part II of the Act of 1960 to a licensing authority shall be construed as a reference to the licensing authority.

3 The following provisions of the Act of 1960 shall cease to have effect, that is to say—

- in section 109(3) the words from " to be granted" to " was granted)" ;
- in section 112(1) the words from "by which the" to "resides" and the words " by which it was granted ", and in section 112(2) the words from "in whose area " onwards ;
- in section 113, paragraphs (b) and (c);
- in section 114(1) the words from "in the same manner" onwards.

###### *The Vehicles (Excise) Act 1962*

4 Subject to paragraphs 5 and 8 below, for any reference in the Act of 1962 to a county council within the meaning of that Act there shall be substituted a reference to the Minister.

5 In section 5(2) of the Act of 1962, for the words from " and of any " to " their county " there shall be substituted the words " the Minister and his officers (including any body or person authorised by the Minister to act as his agent for the purposes of this Act) shall have " .

6 In section 13(1) of the Act of 1962, for the words "the prescribed manner " there shall be substituted the words " such manner as the Minister thinks fit. "

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- 7 At the end of section 19(2) of the Act of 1962 there shall be inserted the words " and section 287 of that Act (which relates to the application of penalties) shall not apply to penalties recovered under or in pursuance of this Act ".
- 8 The following provisions of the Act of 1962 shall cease to have effect, that is to say—
- in section 5(1) the words from " in accordance " onwards, in section 5(3) the words from " and subject" to " this section ", in section 5(4) the words from " in such manner " onwards, and section 5(5) and (6);
  - in section 6(6) the words " if authorised so to do by the Minister " ;
  - in section 9(1) the words from " with which " onwards;
  - in section 11(1), paragraph (a);
  - in section 12(1) the words " in which his business premises are situated " and section 12(7) and (8);
  - in section 13(1) the words "issuing the licence" and "and the council which has registered it" ;
  - in section 21(2) the words from " in such manner " onwards;
  - sections 22, 23(4) and 24(5) and in section 24(1) the definition of " county " (including the provision relating to references to the council of a county).

*The Local Government Act 1966*

- 9 In section 33 of the Local Government Act 1966 the reference to the functions relating to highways shall include a reference to the relevant functions, and any reference in that section to a council or the Minister within the meaning of that section shall respectively be construed, in relation to the relevant functions, as a reference to a local authority or the Minister within the meaning of this Act.

In this paragraph " relevant functions" includes the Minister's functions under the Act of 1962 in relation to the Isles of Scilly and " local authority " includes the Council of the said Isles.

*The Local Government (Scotland) Act 1966*

- 10 In section 35 of the Local Government (Scotland) Act 1966—
- (a) in subsection (1), after the words " A local authority " there shall be inserted the words " within the meaning of section 113(1) of the Town and Country Planning (Scotland) Act 1947 ";
  - (b) after subsection (1) there shall be inserted the following subsection:—
    - “(1A) A local authority within the meaning of section 33 of the Vehicle and Driving Licences Act 1969 may enter into an agreement with the Minister of Transport for the placing at his disposal, for the purpose of any of the relevant functions within the meaning of the said Act of 1969, on such terms as may be provided by the agreement, of the services of persons employed by the local authority and of any premises, equipment and other facilities under their control.”
  - (c) in subsection (2), after the words " Secretary of State " there shall be inserted the words " or the Minister of Transport ";
  - (d) in subsection (3) the words from " local authority" to " and " in the second place where it occurs shall cease to have effect.

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*Status: This is the original version (as it was originally enacted).*

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*The Finance Act 1967*

- 11 For the references to a county council in section 12(2)(a) and (8) of the Finance Act 1967 there shall be substituted references to the Minister.

*The Criminal Justice Act 1967*

- 12 In section 56(10) of the Criminal Justice Act 1967, for paragraphs (a) and (b) there shall be substituted the words " send notice of the order to the Minister of Transport ", and for the words from " any such" onwards there shall be substituted the words " the Minister of Transport ".  
Section 4(4).

**PART II**

AMENDMENTS CONSEQUENTIAL ON S.4

*The Vehicles (Excise) Act 1962*

- 13 The following provisions of the Act of 1962 shall cease to have effect, that is to say—  
    section 2(1)(a), and in section 2(1)(b) and (c) the words from " running " onwards;  
    in section 2(2)(a) the words "one calendar year or" and " other ";  
    section 12(4).
- 14 In section 10(3) of the Act of 1962 for the word " months " in both places there shall be substituted the word " days " and for the words from " any " onwards there shall be substituted the words " that period being treated as 365 days in the case of a licence for twelve months and 120 days in the case of a licence for four months ".
- 15 In section 12(5) of the Act of 1962 for the words " calendar year" there shall be substituted the words " period of twelve months " and for the words " three months shall be eleven fortieths " there shall be substituted the words " four months shall be eleven thirtieths ".

*The Finance Act 1967*

- 16 In section 12(2) of the Finance Act 1967, for the words " one twelfth " there shall be substituted the words " one three-hundred-and-sixty-fifth ", for the words " calendar month or part of a calendar month " there shall be substituted the word " day " and for the words " calendar month immediately following that in " there shall be substituted the words " day following that on ".
- 17 In section 12(3) and (4) of the Finance Act 1967, for the words "month or part of a month" and the words "month or part" wherever else they occur there shall be substituted the word " day ".
- 18 In section 12(4) of the Finance Act 1967, for the words " at the beginning of " there shall be substituted the word " on ".

SCHEDULE 2

Section 16(2).

AMENDMENTS OF PROVISIONS OF ACT OF 1960 RELATING TO DRIVERS ETC.

- 1 Section 99(4) (under which the requirements as to tests imposed by subsection (1) of that section may be dispensed with for persons not resident in Great Britain) shall cease to have effect; but the repeal of section 99(4) by this Act, shall not affect—
- (a) a licence granted by virtue of section 99(4) before the repeal takes effect; or
  - (b) the references in section 99(1) to licences granted by virtue of section 99(4) or of a provision for the time being corresponding thereto.
- 2 For subsection (5) of section 99 (which provides that certain tests of competence are sufficient to authorise the granting of a driving licence) there shall be substituted the following subsection:—
- “(5) For the purposes of paragraph (a) of subsection (1) of this section a test of competence shall be sufficient for the granting of a licence authorising the driving of—
- (a) vehicles of any class or description, if at the time the test was passed (whether before or after the passing of this Act) it authorised the granting of a licence to drive vehicles of that class or description ;
  - (b) vehicles of any classes or descriptions which are designated by regulations as a group for the purposes of the said paragraph (a), if at the said time the test authorised the granting of a licence to drive vehicles of any class or description included in the group ;
- and if vehicles of any classes or descriptions are designated by regulations as a group for the purposes of paragraph (b) of subsection (1) of this section, a licence authorising the driving of vehicles of a class or description included in the group shall be deemed for the purposes of the said paragraph (b) to authorise the driving of vehicles of all classes or descriptions included in the group.
- The last foregoing reference to a licence and the first reference to a licence in the said paragraph (b) do not include a licence which has been revoked in pursuance of section 102(2) of this Act.”
- 3 In section 110 (which among other things penalises a person who applies for or obtains a licence while he is disqualified for holding or obtaining it) the words " applies for or " in paragraph (a) shall cease to have effect.
- 4 In section 112(1) (which requires the licence of a disqualified person to be retained by the licensing authority until the disqualification expires or is removed and he demands the return of the licence) for the words from " shall keep " onwards there shall be substituted the words " may dispose of it as the authority think fit; but where the disqualification expires or is removed before the expiration of the period for which the licence was granted and the person to whom it was granted makes to the authority during that period, in such form and containing such particulars supported by such evidence or further evidence as the Minister may specify, a demand for the grant of a new licence for the period for which the licence aforesaid was granted, the authority shall comply with the demand " , and in section 112(3) the words from " on the return " to " him or " shall cease to have effect.
- 5 In section 115, in the definition of "provisional licence", for the words " section one hundred and two " there shall be substituted the words " section 101(2) " .



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*Status: This is the original version (as it was originally enacted).*

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- 6 In section 225(1)(d) and section 226(2) (under which a constable may require a person to produce his licence for examination or to state his name and address if he is accompanying or has accompanied a person driving a vehicle under a provisional licence) for the words " accompanies " and " to have accompanied " there shall be substituted respectively the words " supervises " and " was supervising " .
- 7 In section 225(2) (which enables a constable to seize a licence which is not delivered up as required by section 100(6) of the Act of 1960) for the words " subsection (6) of section one hundred thereof " there shall be substituted the words " section 100 or section 102 of this Act " and for the words " for cancellation as required by that subsection " there shall be substituted the words " in pursuance of that section " , and the words " for cancellation " in the second place where they occur shall cease to have effect.
- 8 In section 232(2)(a) (under which the owner of a vehicle may be required to identify the driver of it who is alleged to have committed an offence to which that section applies) for the words " owner of " there shall be substituted the words " person keeping " .
- 9 At the end of section 233(1) (which specifies the documents of which, among other things, the forgery or misuse is an offence under that section) there shall be inserted the following paragraph:—  
“(h) any document which, in pursuance of section 99(2) of this Act or section 20(1) of the Road Safety Act 1967, is issued as evidence of the result of a test of competence to drive.”
- 10 In section 241(2)(c)(ii) and (4)(a) (which among other things relate to the service of a notice on the owner of a vehicle) for the word " owner " there shall be substituted the word " keeper " .
- 11 In section 244 (which specifies the time for beginning summary proceedings for certain offences), for the words from " from " where it first occurs onwards there shall be substituted the words " from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge ; but no such proceedings shall be brought by virtue of this section more than three years after the commission of the offence.
- For the purposes of this section a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved. "
- 12 In section 247 (which relates to the destination of fines)—  
(a) in subsection (1), after the words " forty-eight)" there shall be inserted the words " or a fine imposed in respect of an offence under section 22 of the Vehicle and Driving Licences Act 1969 " ;  
(b) in subsection (2), after the words " Twelfth Schedule)" in the second place where they occur there shall be inserted the words " or a fine imposed in respect of an offence under section 22 of the Vehicle and Driving Licences Act 1969 " .
- 13 At the end of paragraph 1 of Schedule 15 (which contains transitional provisions for the grant of drivers' licences for heavy goods vehicles to persons in the habit of driving such vehicles) there shall be inserted the following:—

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*Status: This is the original version (as it was originally enacted).*

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“The reference in the foregoing provisions of this paragraph to the driving of a heavy goods vehicle does not include a reference to the driving of such a vehicle of a prescribed class or of such a vehicle while it is being used in prescribed circumstances.”

## SCHEDULE 3

Section 37.

## REPEALS

Chapter	Short title	Extent of repeal
1920 c. 72.	The Roads Act 1920.	Section 3(4). In section 17, the definitions of " county" and " county council". Section 18.
1955 c. 6. (4 & 5 Eliz. 2)	The Miscellaneous Financial Provisions Act 1955.	In Schedule 1, the entry relating to the Roads Act 1920.
1960 c. 16.	The Road Traffic Act 1960.	Section 99(4). In section 109(3), the words from " to be granted" to " Act". In section 110(a), the words " applies for or ". In section 112, in subsection (1) the words from " by which the" to "resides" and the words " by which it was granted", in subsection (2) the words from "in whose area" onwards, and in subsection (3) the words from "on the return" to "him or". In section 113, paragraphs (b) and (c) and in paragraph (g) the words "not exceeding two shillings and sixpence ". In section 114(1), the words from " in the same manner " onwards. In section 115, the definition of " test of fitness to drive ".

*Status: This is the original version (as it was originally enacted).*

Chapter	Short title	Extent of repeal
<p>1962 c. 13.</p>	<p>The Vehicles (Excise) Act 1962.</p>	<p>In section 225, in subsection (1)(d) the words "section one hundred and two of", and in subsection (2) the words "for cancellation" in the second place where they occur.</p> <p>In section 226(2), the words "section one hundred and two of".</p> <p>In section 247(2), the words from "in the manner" to "mentioned".</p> <p>In section 2, in subsections (1) and (2) the words "Subject to the provisions of the following section", subsection (1)(a), in subsection (1)(b) and (c) the words from "running" onwards, and in subsection (2)(a) the words "one calendar year or" and "other".</p> <p>Section 3.</p> <p>In section 5, in subsection (1) the words from "in accordance" onwards, in subsection (3) the words from "and subject" to "this section", in subsection (4) the words from "in such manner" onwards, and subsections (5) and (6).</p> <p>In section 6(6), the words "if authorised so to do by the Minister".</p> <p>In section 8(4), the words "(not exceeding five shillings)".</p> <p>Section 9.</p> <p>In section 11(1), paragraph (a).</p> <p>In section 12, in subsection (1) the words "in which his business premises</p>

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*Status: This is the original version (as it was originally enacted).*

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Chapter	Short title	Extent of repeal
		<p>are situated", and subsections (4), (7) and (8).</p> <p>In section 13(1), the words "issuing the licence" and "and the council which has registered it".</p> <p>In section 16(1), the words " (which shall not exceed five shillings)" in paragraph (b) and " (not exceeding five shillings)" in paragraph (e).</p> <p>Section 19(1) and (3).</p> <p>In section 21(2), the words from " in such manner " onwards.</p> <p>Sections 22 and 23(4).</p> <p>In section 24, the definition of "county " (including the provision relating to references to the council of a county) and subsection (5).</p> <p>In Schedule 7, the entry relating to the Road Traffic Act 1960.</p>
1962 c. 59.	The Road Traffic Act 1962.	In section 4(1), the words from "in whose area" onwards Section 46.
1963 c. 33.	The London Government Act 1963.	Section 20. In Part I of Schedule 5, paragraph 24.
1964 c. 92.	The Finance (No. 2) Act 1964.	In section 9(6), the words " or in any Order in Council under that section ".
1966 c. 18.	The Finance Act 1966.	In section 2(13)(a), the words " or in any Order in Council under that section ".
1966 c. 51.	The Local Government (Scotland) Act 1966.	in section 35(3), the words from "' local authority'" to " and " in the second place where it occurs.