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SCHEDULES

SCHEDULE 8

Section 110(2).

SAVINGS AND TRANSITIONAL PROVISIONS.

- 1 In so far as any order, regulation, rule, scheme, byelaw, advance, agreement, application, arrangement, determination, objection or specification, made or having effect as if made, authorisation or permit granted or having effect as if granted, approval, consent, designation, direction or notice issued, given or delivered or having effect as if issued, given or delivered, condition, prohibition or requirement imposed or attached or having effect as if imposed or attached, or other thing done or having effect as if done, under an enactment repealed by this Act could have been made, granted, issued, given, delivered, imposed, attached or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by section 110 of this Act, but shall have effect as if made, granted, issued, given, delivered, imposed, attached or done under that corresponding provision.
- 2 Where any enactment or document refers, whether specifically or by means of a general description, to an enactment repealed by or reproduced in this Act or is to be construed as so referring, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.
- 3 Without prejudice to paragraph 1 above, any reference in this Act (whether express or implied) to a thing done or made or falling to be done or made, or to a thing suffered, or to an event which has occurred, under or for the purposes of or by reference to a provision of this Act shall, in so far as the context permits, be construed as including a reference to the corresponding thing done or made or falling to be done or made, to the corresponding thing suffered or, as the case may be, to the corresponding event which occurred under, or for the purposes of, or by reference to, the corresponding provision of the enactments repealed by this Act.
- 4 For the purpose of determining the punishment (by fine, imprisonment or both) which may be imposed on a person in respect of the commission by him of an offence under any provision of this Act, an offence committed by that person under the corresponding enactment repealed by this Act or by the Road Traffic Act 1960 shall be deemed to have been committed under that provision.
- 5 Without prejudice to the generality of the foregoing provisions of this Schedule, anything done by the Minister as respects Wales and Monmouthshire before the coming into operation of the Secretary of State for Wales and Minister of Land and Natural Resources Order 1965, being a thing done in the exercise of a function to which the entries pertaining to that Order in the third column of Part II of Schedule 7 to this Act relate, shall continue to have effect as if done by the Secretary of State.
- 6 Any byelaw made under section 104 of the Roads and Bridges (Scotland) Act 1878 or paragraph (1) or (3) of section 385 of the Burgh Police (Scotland) Act 1892 which is in force at the commencement of this Act shall continue in force and have effect as if it were an order made under section 1 of this Act.

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- 7 References in any order made by the Minister under section 7(4) of the Roads Act 1920 to heavy motor cars or to locomotives shall be construed respectively as references to heavy motor cars as defined by this Act and to heavy locomotives and light locomotives as so defined.
- 8 Any byelaws or regulations in force at the commencement of this Act, being byelaws or regulations which were in force by virtue of section 81 of the Road Traffic Act 1960 on 20th March 1961 or were afterwards made or confirmed by virtue of section 11(16) of the Road Traffic and Roads Improvement Act 1960 as byelaws or regulations under the said section 81, shall have effect as if their provisions had been contained in an order under section 31(1) of this Act.
- 9 The repeal by this Act of any provision of the Road Traffic and Roads Improvement Act 1960 and section 29 of the Road Traffic Act 1962 shall not affect any order made by virtue of section 86 or 87 of the Road Traffic Act 1960 before 1st January 1963, or the operation of the said sections 86 and 87 or of the Road Traffic and Roads Improvement Act 1960 in relation to any order made under section 85 of the Road Traffic Act 1960 before that date, so, however, that an order made before that date under the said section 85, 86 or 87 may be varied or revoked by an order under section 36 or 37 of this Act.
- 10 A direction in an order made under section 1 of the Road Traffic Act 1934 and in force at the commencement of this Act that a length of road is to be deemed to be, or not to be, a road in a built-up area shall have effect as if it were a direction that that length of road is to become, or (as the case may be) to cease to be, a restricted road for the purposes of section 71 of this Act, and any reference in any Act or in an instrument (other than such an order as aforesaid) made under an enactment repealed by the Road Traffic Act 1960 and in force as aforesaid to a road in a built-up area shall be construed as referring to such a restricted road as aforesaid.
- 11 (1) Any road which immediately before the relevant date was classified under section 17 of the Ministry of Transport Act 1919 in Class I, II or III shall, until the appropriate Minister otherwise directs, be treated as classified under section 27(2) of the Local Government Act 1966 or section 28(2) of the Local Government (Scotland) Act 1966, as the case may be, as a classified road for the purposes of sections 21(7), 72 and 76 of this Act.
- (2) In this paragraph—
- " the appropriate Minister " means, in relation to England exclusive of Monmouthshire, the Minister, in relation to Wales and Monmouthshire, the Secretary of State for Wales and, in relation to Scotland, the Secretary of State ;
- " the relevant date " means, in relation to a road in England or Wales, 1st April 1967 and, in relation to a road in Scotland, 16th May 1967.
- 12 Any limit of speed which was in force on 1st November 1962 by virtue of any direction, order or regulation under section 19(2), 26 or 34 of the Road Traffic Act 1960 and which, by virtue of section 11(6) of the Road Traffic Act 1962, was deemed to have been imposed by an order under section 11(1) of the last-mentioned Act made by the authority who gave the direction or made the order or regulation, shall, if that limit is in force at the commencement of this Act, be deemed to have been imposed by an order under section 74(1) of this Act made by that authority, and may be revoked or varied accordingly.
- 13 Section 249 of the Road Traffic Act 1960 (general provisions as to inquiries) shall apply in relation to any inquiry proceeding at the commencement of this Act, being

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- an inquiry ordered under any provision of an enactment repealed by this Act, as it would have applied if this Act had not passed.
- 14 Any order made or having effect as if made by any Minister under this Act as originally enacted, being an order made under a power which, apart from section 84A(2) of this Act, is as a result of the provisions of Part IX of the Transport Act 1968 no longer exercisable by that Minister, shall continue in force as if made by virtue of the said section 84A(2) in exercise of the power of the Greater London Council or some other local authority to make an order for the like purpose after that date conferred on that Council or other authority by this Act as amended by the said Part IX.
- 15 Where any provision of this Act as originally enacted which conferred a power to make orders is repealed by the Transport Act 1968, any order made or having effect as if made in pursuance of that power and in force immediately before the date of the repeal shall continue in force as if made in pursuance of the corresponding power conferred by this Act as amended by that Act.
- 16 Subject to paragraph 17 of this Schedule, anything begun or falling to be treated as having been begun under this Act before the date of the coming into force of, or of any relevant instrument made under, any relevant provision of Part IX of the Transport Act 1968, so far as not completed before that date, may be continued and completed in accordance as nearly as may be with the provisions of, or of any relevant instrument made under, this Act as amended by any relevant provision of that Act.
- 17 (1) Where an order under any provision of this Act as originally enacted does, but the like order under that provision as amended by the Transport Act 1968 does not, require the confirmation or consent of the appropriate Minister, and at the date when that amendment comes into force—
- (a) an application has been made to the appropriate Minister for his confirmation, or, as the case may be, for his consent to the making, of such an order ; or
 - (b) notice of a proposal to make such an order has been published stating that objections may be made to the appropriate Minister,
- and in either case that Minister has not yet given or refused his confirmation of or consent to the order, then, without prejudice to the right of the authority so submitting the order or proposals to withdraw their application for that Minister's confirmation or consent, that order shall not be brought into force or, as the case may be, made except with the consent of that Minister.
- (2) The appropriate Minister may make regulations as respects any order requiring his consent under this paragraph for any of the like purposes as those for which regulations are required or authorised to be made under section 84C(2) or (4) of this Act and for regulating the procedure to be followed in connection with any such withdrawal of an application as aforesaid and subsection (4) of section 84B of this Act shall apply to any order submitted to the appropriate Minister for his consent under this paragraph as it applies to an order so submitted under that section.
- (3) In relation to an order under section 15 or 33 of this Act, references in this paragraph to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.
- 18 Where any order made or having effect as if made under section 35 or 36 of this Act includes any provision made by virtue of section 26 of the Greater London

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Council (General Powers) Act 1967, that provision shall continue to have effect as if made by virtue of the said sections 35 and 36 as amended by section 127 of the Transport Act 1968.