



# Road Traffic Act 1972

## 1972 CHAPTER 20

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *Interpretation*

#### **190 Interpretation of expressions relating to motor vehicles and classes thereof**

- (1) In this Act " motor vehicle " means a mechanically propelled vehicle intended or adapted for use on roads, and " trailer " means a vehicle drawn by a motor vehicle:

Provided that a side-car attached to a motor cycle shall, if it complies with such conditions as may be specified in regulations made by the Secretary of State, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

- (2) In this Act "motor car" means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen—
- (a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Secretary of State, does not exceed three tons;
  - (b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed three tons, or three tons and a half if the vehicle carries a container or containers for holding for the purpose of its propulsion any fuel which is wholly gaseous at 60° Fahrenheit under a pressure of 30 inches of mercury or plant and materials for producing such fuel;
  - (c) does not exceed two tons and a half in a case falling within neither of the foregoing paragraphs.

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- (3) In this Act " heavy motor car" means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds two tons and a half.
- (4) In this Act " motor cycle " means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed eight hundredweight.
- (5) In this Act " invalid carriage " means a mechanically propelled vehicle the weight of which unladen does not exceed five hundredweight and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person.
- (6) In this Act " motor tractor " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment, and the weight of which unladen does not exceed seven tons and a quarter.
- (7) In this Act " light locomotive" means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles aforesaid, and the weight of which unladen does not exceed eleven tons and a half but does exceed seven tons and a quarter.
- (8) In this Act " heavy locomotive " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles aforesaid, and the weight of which unladen exceeds eleven tons and a half.
- (9) For the purposes of this section, in a case where a motor vehicle is so constructed that a trailer may by partial super-imposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load.
- (10) For the purposes of this section, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load or goods or burden of any description, but shall be deemed to form part of the vehicle.
- (11) The Secretary of State may by regulations vary any of the maximum or minimum weights specified in the foregoing provisions of this section, and such regulations may have effect either generally or in the case of vehicles of any class specified in the regulations and either for the purposes of this Act except sections 68 to 81 and of all regulations thereunder or for such of those purposes as may be so specified ; and nothing in section 78 of the Road Traffic Regulation Act 1967 shall be construed as limiting the powers conferred by this subsection.

## **191 Articulated vehicles**

A vehicle so constructed that it can be divided into two parts both of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of this Act as that motor vehicle with the other part attached as a trailer.

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## **192 Hover vehicles**

- (1) For the purposes of this Act a hovercraft within the meaning of the Hovercraft Act 1968 (in this section referred to as a hover vehicle)—
  - (a) shall be a motor vehicle, whether or not it is adapted or intended for use on roads; but
  - (b) shall be treated, subject to subsection (2) below, as not being a vehicle of any of the classes defined in subsections (2) to (8) of section 190 of this Act.
- (2) The Secretary of State may by regulations provide—
  - (a) that any provision of this Act which would otherwise apply to hover vehicles shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations; or
  - (b) that any such provision which would not otherwise apply to hover vehicles shall apply to them, subject to such modifications (if any) as may be specified in the regulations.
- (3) For the purposes of the Hovercraft Act 1968 (under which enactments and instruments relating, amongst other things, to motor vehicles may, if passed before the commencement of that Act, be applied to hovercraft) any enactment contained in or instrument made under this Act shall be treated as included among the enactments and instruments which can be so applied.

## **193 Certain vehicles not to be treated as motor vehicles**

- (1) For the purposes of this Act—
  - (a) a mechanically propelled vehicle being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any Other purpose, and
  - (b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Secretary of State for the purposes of this section and section 103 of the Road Traffic Regulation Act 1967,shall be treated as not being a motor vehicle.
- (2) In subsection (1) above " controlled by a pedestrian " means that the vehicle either—
  - (a) is constructed or adapted for use only under such control or,
  - (b) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it.

## **194 Method of calculating weight of motor vehicles and trailers**

For the purposes of this Act and of the Road Traffic Regulation Act 1967, and of any other enactment relating to the use of motor vehicles or trailers on roads, the weight unladen of a vehicle or trailer shall be taken to be the weight of the vehicle or trailer inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle or trailer when working on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, or, as the case may be, of any vehicle by which the trailer is drawn, and of loose tools and loose equipment.

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## **195 Interpretation of statutory references to carriages**

A motor vehicle or trailer shall be deemed to be a carriage within the meaning of any Act of Parliament, whether a public general Act or a local Act, and of any rule, regulation or byelaw made under any Act of Parliament, and if used as a carriage of any particular class shall for the purpose of any enactment relating to carriages of any particular class be deemed to be a carriage of that class.

## **196 General interpretation provisions**

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"bridleway" means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the way ;

"carriage of goods" includes the haulage of goods ;

"cycle" means a bicycle, tricycle, or cycle having four or more wheels, not being in any case a motor vehicle;

except for the purposes of section 1, "driver", where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and "drive" shall be construed accordingly;

"footpath" means a way over which the public have a right of way on foot only :

"goods" includes goods or burden of any description ;

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted ;

"goods vehicle test certificate" has the meaning assigned to it by section 45(1) of this Act;

"highway authority" means—

(a) for the purposes of the application of this Act to England or Wales, in relation to a road other than a trunk road, the authority (being either the council of a county, the council of a county borough, the council of a non-county borough or an urban district, the Common Council of the City of London, the council of a London borough or the Greater London Council) which is responsible for the maintenance of the road, and in relation to a trunk road, the Secretary of State;

(b) for the purposes of the application of this Act to Scotland, in relation to a road other than a trunk road, a county council or the town council of a burgh charged with the maintenance and management of any of the highways therein, and, in relation to a trunk road, the Secretary of State;

"magistrates' court" and "petty sessions area" have the same meanings as in the Magistrates' Courts Act 1952 ;

"owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

"plating certificate" has the meaning assigned to it by section 45(1) of this Act;

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" prescribed " means prescribed by regulations made by the Secretary of State;

" road " means any highway and any other road to which the public has access, and includes bridges over which a road passes;

" statutory ", in relation to any prohibition, restriction, requirement or provision, means contained in, or having effect under, any enactment (including any enactment contained in this Act);

" test certificate " has the meaning assigned to it by section 43(2) of this Act;

" traffic sign " has the meaning assigned to it by section 54(1) of the Road Traffic Regulation Act 1967 ;

" tramcar " includes any carriage used on any road by virtue of an order made under the Light Railways Act 1896;

" trolley vehicle " means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

- (2) References in this Act to a class of vehicles shall be construed as references to a class defined by reference to any characteristics of the vehicles or to any other circumstances whatsoever.
- (3) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any subsequent enactment.

## **197 Effect of certain references to Scottish local authorities**

Where any powers and duties are by this Act conferred or imposed, in relation to Scotland, on county councils and on the town councils of certain burghs only, all other burghs shall, for the purposes of those powers and duties, be deemed to be within the county.