



# Road Traffic Act 1974

## 1974 CHAPTER 50

### *Amendments of Road Traffic Act 1972*

#### **6 Traffic surveys**

After section 22 of the 1972 Act (drivers to comply with traffic directions) there shall be inserted the following section:—

**“22A Traffic directions for purposes of traffic surveys.**

- (1) If a traffic survey of any description is carried out on or in the vicinity of a road, then—
  - (a) for the purposes of section 22 of this Act, a traffic direction given by a constable to a person driving or propelling a vehicle, being a direction given for the purposes of the survey, shall be treated as a direction given by him in the execution of his duty and at a time when he is engaged in the regulation of traffic ; and
  - (b) section 22 of this Act shall apply to a traffic sign by which a traffic direction is given for the purpose of the survey.
- (2) In this section "traffic direction" means a direction to stop a vehicle, to make it proceed in, or keep to, a particular line of traffic or to proceed to a particular point on or near the road on which the vehicle is being driven or propelled, but does not include a direction requiring any person to furnish any information for the purposes of a traffic survey.
- (3) In relation to a traffic direction given by a constable by virtue of this section and requiring a vehicle to proceed to a particular point, paragraph (a) of subsection (1) of section 22 of this Act shall have effect as if, after the words ' line of traffic' there were inserted the words ' or to proceed to a particular point
- (4) The power to give a traffic direction for the purposes of a traffic survey shall be so exercised as not to cause any unreasonable delay to a person who indicates that he is unwilling to furnish any information for the purposes of the survey.”

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## 7 **Prohibition of parking of vehicles on verges, central reservations and footways**

- (1) After section 36A of the 1972 Act (prohibition of parking of heavy commercial vehicles on verges and footways) there shall be inserted the following section:—

### **“36B Prohibition of parking of vehicles on verges, central reservations and footways.**

- (1) Subject to the provisions of this section, a person who parks a vehicle, other than a heavy commercial vehicle, within the meaning of section 36A of this Act, wholly or partly—
  - (a) on the verge of an urban road, or
  - (b) on any land which is situated between two carriageways of an urban road and which is not a footway, or
  - (c) on a footway comprised in an urban road,
 shall be guilty of an offence.
- (2) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court—
  - (a) that it was parked in accordance with permission given by a constable in uniform; or
  - (b) that it was parked in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency; or
  - (c) that it was parked in contravention of this section but the conditions specified in subsection (3) below were satisfied.
- (3) The conditions mentioned in subsection (2)(c) above are:—
  - (a) that the vehicle was parked on a verge or footway for the purpose of loading or unloading; and
  - (b) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footway or verge ; and
  - (c) that the vehicle was not left unattended at any time while it was so parked.
- (4) The Secretary of State may by regulations provide that, in relation to vehicles of such classes as may be specified in the regulations, subsection (1) above shall not apply or shall apply subject to such conditions as may be so specified.
- (5) The authority having power, otherwise than by virtue of section 84A (reserve powers) of the Road Traffic Regulation Act 1967, to make an order under section 1 or section 6 of that Act in relation to a road may by order specifying that road provide that the provisions of subsection (1) above shall not apply in relation to it or to any part of it specified in the order, either at all times or during periods so specified.
- (6) In England and Wales a local authority, within the meaning of section 36A of this Act, may institute proceedings for an offence under this section committed with respect to a road in their area.
- (7) In the Road Traffic Regulation Act 1967—

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- (a) section 82 (powers exercisable with respect to boundary roads) shall apply for the purpose of subsection (5) above as it applies for the purposes of sections 1(1) and 6(1) of that Act;
  - (b) section 84(1) (general duty of local authorities with respect to road traffic) shall apply as if subsections (1) and (5) above were contained in that Act; and
  - (c) sections 84A (reserve powers), 84C (procedure as respects certain orders), 84D (provisions as to variation or revocation, and as to making by Secretary of State, of certain orders) and 84E (limitation of right to challenge certain orders) shall apply in relation to orders under subsection (5) above as they apply in relation to orders under any provision of section 1 or section 6 of that Act.
- (8) In this section " footway " has the same meaning as in the Highways Act 1959 or, as respects Scotland, the Roads (Scotland) Act 1970, and " urban road " means a road which—
- (a) is a restricted road for the purposes of section 71 of the Road Traffic Regulation Act 1967 (30 m.p.h. speed limit); or
  - (b) is subject to an order under section 74 of that Act imposing a speed limit not exceeding 40 m.p.h.; or
  - (c) is subject to a speed limit not exceeding 40 m.p.h. which is imposed by or under any local Act.”
- (2) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences) after the entry relating to section 36A there shall be inserted the following entry:—

“36B.	Prohibition of parking of vehicles on verges, central reservations and footways.	Summarily.	£100.	—	—	Sections 181 and 183 apply.”
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## 8 Duty of local authorities to promote road safety

- (1) For subsection (2) of section 38 of the 1972 Act (powers of local authorities as to giving road safety information and training) there shall be substituted the following subsections:—
- “(2) Each local authority shall prepare and carry out a programme of measures designed to promote road safety and shall have power to make contributions towards the cost of measures for promoting road safety taken by other authorities or bodies.
- (2A) Without prejudice to the generality of subsection (2) above, in pursuance of their duty under that subsection each local authority—
- (a) shall carry out studies into accidents arising out of the use of vehicles on roads or parts of roads, other than trunk roads, within their area ;

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- (b) shall, in the light of those studies, take such measures as appear to the authority to be appropriate to prevent such accidents, including the dissemination of information and advice relating to the use of roads, the giving of practical training to road users or any class or description of road users, the construction, improvement, maintenance or repair of roads for which they are the highway authority and other measures taken in the exercise of their powers for controlling, protecting or assisting the movement of traffic on roads; and
  - (c) in constructing new roads, shall take such measures as appear to the authority to be appropriate to reduce the possibilities of such accidents when the roads come into use”.
- (2) In consequence of the amendment effected by subsection (1) above—
- (a) in section 38(4) of the 1972 Act for the words " arrangements made " there shall be substituted the words " measures taken ";
  - (b) in section 39 of that Act for the word " arrangements ", in each place where it occurs, there shall be substituted the word " measures " and for the word " made" there shall be substituted the word " taken "; and
  - (c) in Schedule 2 to that Act for the word " arrangements ", in each place where it occurs, there shall be substituted the word " measures " and for the word " made ", in the first place where it occurs in paragraph 1(1) of that Schedule, there shall be substituted the word " taken ".

## 9 Extension of construction and use regulations to lights

- (1) Regulations under section 40 of the 1972 Act (construction and use of motor vehicles and trailers) may make provision in relation to lighting equipment and reflectors as well as other equipment of motor vehicles and trailers and, accordingly, after paragraph (g) of subsection (1) of that section there shall be inserted the following paragraph:—
- “(gg) lighting equipment and reflectors”.
- (2) After subsection (2) of section 40 of the 1972 Act there shall be inserted the following subsection:—
- “(2A) Without prejudice to the generality of subsection (1) above, regulations under this section with respect to lighting equipment and reflectors—
- (a) may require that lamps be kept lit at such times and in such circumstances as may be specified in the regulations ; and
  - (b) may extend, in like manner as to motor vehicles and trailers, to vehicles of any description used on roads, whether or not they are mechanically propelled”.
- (3) In section 81(2) of the 1972 Act (a person selling etc. a reflector or tail lamp which does not comply with certain prescribed conditions shall be guilty of an offence) for the words " conditions prescribed under sections 68 to 79 of this Act for" there shall be substituted the words " construction and use requirements applicable to ".
- (4) Notwithstanding the repeal by this Act of any provision of sections 68 to 82 of the 1972 Act relating to the lighting of vehicles—
- (a) any instrument made (or having effect as if made) under any of those sections shall have effect on and after the coming into operation of this section as if

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made, by virtue of the preceding provisions of this section, under section 40 of the 1972 Act and may be varied or revoked accordingly; and

- (b) subject to subsection (5) below, any provision contained in an enactment or instrument which is not repealed by this Act and in which any expression is given the same meaning as in, or is otherwise to be construed by reference to, any provision of the said sections 68 to 82 which is repealed by this Act shall continue to be construed as if that provision had not been so repealed.
- (5) The Secretary of State may by regulations made by statutory instrument make such amendments as he considers appropriate to take account of the preceding provisions of this section in any enactment or instrument which refers (whether directly or by virtue of the Interpretation Act 1889 or otherwise) to any provision of sections 68 to 82 of the 1972 Act which is repealed by this Act.
- (6) A statutory instrument containing regulations under subsection (5) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **10 Extension of type approval scheme to all vehicles and to vehicle parts**

- (1) Sections 47 and 48 of the 1972 Act (scheme of type approval for goods vehicles) shall be amended as follows:—
  - (a) subject to paragraphs (c) to (e) below and subsection (2) below, the word " goods " shall be omitted from the expression " goods vehicle " (or " goods vehicles "), in each place where it occurs ;
  - (b) for the words " manufacturer's certificate", in each place where they occur, there shall be substituted the words " certificate of conformity " and accordingly in section 47(10)(a) for the words "manufacturer's certificates" there shall be substituted the words " certificates of conformity ";
  - (c) in section 47(5), for the words " in such cases " there shall be substituted the words " in the case of goods vehicles of such classes ";
  - (d) in subsections (6) and (7) of section 47 (which relate to plated weights) for the word " vehicle ", in each place where it occurs, there shall be substituted the words " goods vehicle " ; and
  - (e) in section 47(8), after the words " approval requirements and " and " design weights and " there shall in each case be inserted the words " in the case of a goods vehicle " and after the words " such a certificate" there shall be inserted the words " in respect of a goods vehicle ".
- (2) Subsection (11) of section 47 of the 1972 Act (after issue of first Minister's approval certificate for an imported vehicle, subsequent certificates for similar vehicles may be issued without examination) shall be amended as follows—
  - (a) for the words " an imported goods vehicle " there shall be substituted the words " a vehicle ";
  - (b) after the words " application of " there shall be inserted the words " the manufacturer of the vehicle or, in the case of an imported vehicle ";
  - (c) for the words " any other goods vehicle imported by the importer " there shall be substituted the words " any other vehicle manufactured by that manufacturer or, as the case may be, imported by that importer ";
  - (d) after the words " such a certificate" there shall be inserted the words " in respect of a goods vehicle ".
- (3) After section 49 of the 1972 Act there shall be inserted the following section:—

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**“49A Application of type approval scheme to vehicle parts.**

- (1) Subject to subsection (2) below, sections 47 to 49 of this Act shall apply in relation to parts of vehicles as they apply in relation to vehicles ; and accordingly—
  - (a) any reference in those sections to a vehicle, other than a reference to a goods vehicle, shall be construed as including a reference to a vehicle part, and
  - (b) in the application of section 47(1) in relation to vehicle parts for the reference to a vehicle of a class being used on a road there shall be substituted a reference to a vehicle part of a class being fitted to a vehicle used on a road.
- (2) Notwithstanding anything in subsection (1) above, in the application of sections 47 to 49 of this Act in relation to vehicle parts, there shall be excluded any provision which relates solely to goods vehicles or design weights and accordingly, but without prejudice to the generality of that exclusion,—
  - (a) in section 47, subsections (2), (3)(a), (6), (7) and (10), and
  - (b) in section 48, subsection (5),
 shall not apply in relation to vehicle parts.”
- (4) In section 50(1) of the 1972 Act (regulations for purposes of sections 47 to 49) for the word "49 "there shall be substituted the word " 49A " and for paragraph (e) there shall be substituted the following paragraphs—
  - “(e) may require the payment of fees or other charges in connection with the provision by the Secretary of State of services or facilities or the issue by him of certificates and other documents ;
  - (ee) may provide for the authorisation of persons to carry out examinations, in connection with the issue of type approval certificates, of vehicles or vehicle parts of such classes as may be specified in the regulations, for the imposition of conditions to be complied with by persons so authorised and for the withdrawal of authorisations.”
- (5) In section 61 of the 1972 Act (testing condition of used vehicles at sale rooms, etc.) after subsection (1) there shall be inserted the following subsection:—
 

“(1A) An authorised examiner may at any reasonable hour enter premises where vehicles or vehicle parts of a class prescribed for the purposes of section 51 of this Act are sold, supplied, offered for sale or supply, exposed for sale or otherwise kept for sale or supply, in the course of a business and test and inspect any such vehicle or vehicle part for the purpose of ascertaining whether the vehicle or vehicle part complies with the type approval requirements applicable to a vehicle or vehicle part of that class, and for the purpose of testing a motor vehicle and any trailer drawn by it may drive it and for the purpose of testing a trailer may draw it with a motor vehicle”.
- (6) In section 162(1)(iii) of the 1972 Act (production of certain certificates relating to a goods vehicle) after the words " plating certificate" there shall be inserted the word " or " and the words " or one or more certificates in force under section 47 of this Act " and " or 51(1) " shall be omitted.

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- (7) In consequence of the amendments effected by the preceding provisions of this section, the amendments of Part III of the 1960 Act specified in Part I of Schedule 2 to this Act and the further amendments of the provisions of the 1972 Act specified in Part II of that Schedule shall have effect.

## **11 Extension of prohibition on dealing in unroadworthy vehicles**

- (1) Section 60 of the 1972 Act (vehicles not to be sold, supplied, or offered for sale or supply, in such condition that their use would be unlawful by virtue of provisions of construction and use regulations with respect to certain matters) shall be amended in accordance with subsections (2) to (4) below.
- (2) In subsection (1) of that section, after the words " to offer to sell or supply" there shall be inserted the words " or to expose for sale " and after the words " equipment of vehicles " there shall be inserted the words " or as respects the maintenance of vehicles, their parts and accessories in such a condition that no danger is or is likely to be caused ".
- (3) In subsection (3) of that section, after the word " offered ", in both places where it occurs, there shall be inserted the words " exposed for sale " and for the word " offers " there shall be substituted the words " or offers it, exposes it for sale ".
- (4) In subsection (4) of that section:—
- (a) after the word " offer", in the first place where it occurs, there shall be inserted the words " exposure for sale ";
  - (b) in paragraph (a), after the word " offered " there shall be inserted the words " exposed for sale "; and
  - (c) in paragraph (c), for the words " or offer " there shall be substituted the words " offer or exposure for sale ".
- (5) In consequence of the amendments of section 60 of the 1972 Act contained in subsections (2) to (4) above, in section 61(1) of that Act (testing condition of used vehicles at sale rooms, etc.) for the words " or offered or" there shall be substituted the words " offered for sale or supply, exposed for sale or otherwise ".

## **12 Fitting and sale of defective or unsuitable vehicle parts**

- (1) After section 60 of the 1972 Act there shall be inserted the following section—

### **“60A Fitting and sale of defective or unsuitable vehicle parts.**

- (1) If any person—
- (a) fits a vehicle part to a vehicle, or
  - (b) causes or permits a vehicle part to be fitted to a vehicle,
- in such circumstances that, by reason of that part being fitted to the vehicle, the use of the vehicle on a road would constitute a contravention of or failure to comply with any of the construction and use requirements, he shall be guilty of an offence.
- (2) A person shall not be convicted of an offence under subsection (1) above if he proves—

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- (a) that the vehicle to which the part was fitted was to be exported from Great Britain; or
- (b) that he had reasonable cause to believe that that vehicle would not be used on a road in Great Britain or would not be so used until it had been put into a condition in which its use would not constitute a contravention of or failure to comply with any of the construction and use requirements.

(3) If any person who—

- (a) sells or supplies or offers to sell or supply a vehicle part, or
- (b) causes or permits a vehicle part to be sold, supplied or offered for sale or supply,

has reasonable cause to believe that the part is to be fitted to a motor vehicle or to a vehicle of a particular class, or to a particular vehicle, he shall be guilty of an offence if that part could not be fitted to a motor vehicle or, as the case may require, to a vehicle of that class or of a class to which the particular vehicle belongs, except in such circumstances as are mentioned in subsection (1) above.

(4) A person shall not be convicted of an offence under subsection (3) above in respect of the sale, supply or offer of a vehicle part if he proves—

- (a) that the part was sold, supplied or offered, as the case may be, for export from Great Britain; or
- (b) that he had reasonable cause to believe that it would not be fitted to a vehicle used on a road in Great Britain or would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances as are mentioned in subsection (1) above.

(5) An authorised examiner may at any reasonable hour enter premises where, in the course of a business vehicle parts are fitted to vehicles or are sold, supplied or offered for sale and test and inspect any vehicle or vehicle part found on those premises for the purpose of ascertaining whether—

- (a) a vehicle part has been fitted to the vehicle in such circumstances as are mentioned in subsection (1) above, or
- (b) the vehicle part could not be sold or supplied for fitting to a vehicle used on roads in great Britain without the commission of an offence under subsection (3) above,

and for the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(6) Any person who obstructs an authorised examiner acting under subsection (5) above shall be guilty of an offence.

(7) In subsections (5) and (6) above 'authorised examiner' means a person who may act as an authorised examiner for the purposes of section 53 of this Act; and any such person, other than a constable in uniform, shall produce his authority to act for the purpose of subsection (5) above if required to do so.

(8) Nothing in this section shall affect the validity of a contract or of any rights arising under a contract.”



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(2) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences) after the entry relating to section 60(3) there shall be inserted the following entries:—

“60A(1)	Fitting of defective or unsuitable vehicle parts.	Summarily,	£200.	—	—	—
60A(3)	Selling defective or unsuitable vehicle parts.	Summarily,	£200.	—	—	—
60A(6)	Obstructing examiner testing vehicles to ascertain whether defective or unsuitable part has been fitted, etc.	Summarily,	£100.	—	—	—”

### 13 Amendments relating to licensing of drivers of vehicles

(1) Part III of the 1972 Act (licensing of drivers of vehicles) shall have effect subject to the amendments in Schedule 3 to this Act, being amendments—

- (a) providing for the grant of a driving licence expiring, except in certain cases, on the seventieth birthday of the holder,
- (b) modifying the requirements, and requiring the disclosure of further information, relating to the physical fitness of drivers,
- (c) restricting the cases where a licence to drive motor vehicles of one class operates as a provisional licence to drive motor vehicles of other classes,
- (d) extending by one year the period which must elapse before the holder of a licence which has been endorsed with any particulars is entitled to have issued to him a new licence free from those particulars,
- (e) conferring powers on appellate courts to suspend orders of disqualification imposed by lower courts,
- (f) enabling a court, after it has convicted any person of an offence for which his licence is required to be endorsed but before it sentences him, to obtain particulars of any conviction which has previously been ordered to be endorsed on his licence, and

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- (g) treating the passing of a test of competence to drive under the law in force in Northern Ireland, the Isle of Man or any of the Channel Islands as equivalent, in the case of drivers with disabilities, to passing a test under section 85 of that Act,

and amendments consequential on the matters referred to in paragraphs (a) to (g) above.

- (2) After subsection (5) of section 170 of the 1972 Act (false statements and withholding material information) there shall be inserted the following subsection:—

“(5A) A person shall be guilty of an offence who fails without reasonable excuse to notify the Secretary of State as required by section 87AO) of this Act, but no proceedings for an offence under this subsection shall be instituted in England and Wales except by the Secretary of State or by a constable acting with the approval of the Secretary of State.”

- (3) In section 182 of the 1972 Act (admissibility of records as evidence) after subsection (2) there shall be inserted the following subsection:—

“(2A) In any case where—

- (a) any such statement as is referred to in subsection (1) above is produced to a magistrates' court in any proceedings for an offence involving obligatory or discretionary disqualification, within the meaning of Part III of this Act, and
- (b) the statement specifies an alleged previous conviction of an accused person of any such offence, and
- (c) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed by rules under section 15 of the Justices of the Peace Act 1949, that not less than 7 days before the statement is so produced a notice was served on the accused, in such form and manner as may be so prescribed, specifying the previous conviction and stating that it is proposed to bring it to the notice of the court in the event of, or, as the case may be, in view of his conviction, and
- (d) the accused is not present in person before the court when the statement is so produced,

the court may take account of the previous conviction as if the accused had appeared and admitted it.”

- (4) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences) after the entry relating to section 170(5) there shall be inserted the following entry:—

“170(5A)	Failure to notify Secretary of State of onset of, or deterioration in, relevant or prospective disability.	Summarily	£100.	—	—	Section 180 applies.”
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## 14 Weighing of motor vehicles

(1) Section 160 of the 1972 Act (weighing of motor vehicles) shall be amended in accordance with the provisions of this section.

(2) In subsection (1) (person in charge of a motor vehicle who refuses or neglects to comply with a requirement under that subsection to be guilty of an offence) after the word " requirement " there shall be inserted the words " or obstructs a person or constable so authorised in the exercise of his functions under this section ".

(3) At the end of subsection (1) there shall be inserted the following subsections:—

“(1A) Regulations under subsection (1) above may make provision with respect to—

- (a) the manner in which a vehicle or trailer is to be weighed or a weight is to be tested as mentioned in subsection (1) above, and
- (b) the limits within which, unless the contrary is proved, any weight determined by a weighbridge or other machine for weighing vehicles is to be presumed to be accurate for the purposes of any provision made by or under this Act or by or under any other enactment relating to motor vehicles or trailers,

and the regulations may make different provision in relation to vehicles of different classes, in relation to different types of weighbridges and other machines and in relation to different circumstances.

(1B) If, for the purpose of enabling a vehicle or a trailer drawn by it to be weighed or a weight to be tested in accordance with regulations under subsection (1) above, a person or constable authorised as mentioned in that subsection requires the person in charge of the vehicle to drive the vehicle or to do any other thing in relation to the vehicle or its load or the trailer or its load which is reasonably required to be done for that purpose and the person in charge of the vehicle refuses or neglects to comply with that requirement he shall be guilty of an offence under subsection (1) above.”

(4) In subsection (4) (extension, in relation to goods vehicles, of powers under section 160 to certifying officers, goods vehicle examiners and authorised officers of the Secretary of State) for the words " goods vehicles " there shall be substituted the words " vehicles of a class prescribed for the purposes of section 51 of this Act and goods vehicles generally " and after the words "apply accordingly" there shall be inserted the words " in relation to vehicles of a class so prescribed and goods vehicles generally as if references to a constable so authorised included references to such a certifying officer, examiner or officer of the Secretary of State and ".

(5) After subsection (4) there shall be added the following subsections:—

“(5) A certificate in the prescribed form which—

- (a) purports to be signed by a person or constable authorised as mentioned in subsection (1) above or by a person exercising powers by virtue of subsection (4) above ; and
- (b) states, in relation to a vehicle identified in the certificate, any weight determined in relation to that vehicle on the occasion of its being brought to a weighbridge or other machine in pursuance of a requirement under subsection (1) above,

shall be evidence or, in Scotland, sufficient evidence of the matter so stated.

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(6) If, for the purposes of or in connection with the determination of any weight in relation to a vehicle which is brought to a weighbridge or other machine as mentioned in subsection (1) above, a person or constable authorised as mentioned in that subsection or a person exercising powers by virtue of subsection (4) above—

- (a) drives a vehicle or does any other thing in relation to a vehicle or its load or a trailer or its load, or
- (b) requires the driver of a vehicle to drive it in a particular manner or to a particular place or to do any other thing in relation to a vehicle or its load or a trailer or its load,

neither he nor any person complying with such a requirement shall be liable for any damage to or loss in respect of the vehicle or its load or the trailer or its load unless it is shown that he acted without reasonable care.

(7) In this section 'road' includes any land which forms part of a harbour or which is adjacent to a harbour and is occupied wholly or partly for the purposes of harbour operations; and 'harbour' and 'harbour operations' have the meanings assigned to them by section 57(1) of the Harbours Act 1964."

## **15 Reduction of minimum age for driving heavy goods vehicles**

(1) In subsection (3) of section 4 of the 1972 Act (regulations may modify minimum ages for driving in certain defined cases) in paragraph (a) (power to increase age for driving certain articulated vehicles) after the word "that", in the first place where it occurs, there shall be inserted the words "except in the case of a person who fulfils the conditions specified for the purpose of paragraph (d) below" and at the end of paragraph (c) there shall be added the following paragraph:—

“(d) that, in the case of a person who fulfils such conditions as may be specified in the regulations with respect to his training and employment (including membership of a training scheme approved by the Secretary of State), the age under which he may not drive a vehicle falling within paragraph 4 of the Table set out in subsection (1) above, other than a road roller, shall, if the vehicle is of a class specified in the regulations, be 18 instead of 21.”

(2) In section 114 of the 1972 Act (grant of heavy goods vehicle drivers' licences) in subsection (3) (issue of provisional licence subject to prescribed conditions) after the words "(2) above" there shall be inserted the words "or a full licence granted to an applicant who is under the age of 21 on the date of the application" and at the end of that subsection there shall be inserted the following subsection:—

“(4) It shall be an offence for a person to employ another person who is under the age of 21 to drive a heavy goods vehicle of any class in contravention of any prescribed conditions subject to which that other person's licence is issued.”

(3) In section 115 of the 1972 Act (duration of heavy goods vehicle drivers' licence) after subsection (1) there shall be inserted the following subsection:—

“(1A) Without prejudice to subsection (1) above, if there come into existence, in relation to the holder of a heavy goods vehicle driver's licence who is under the age of 21, such circumstances as may be prescribed relating to his conduct as a driver of a motor vehicle, the licensing authority of the area in which the licence was granted shall revoke the licence.”

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- (4) Section 116 of the 1972 Act (disqualification on revocation of heavy goods vehicle driver's licence) shall have effect subject to the following modifications:—

(a) at the end of subsection (1) there shall be inserted the following subsection—

“(1A) Where in pursuance of section 115(1 A) of this Act the licensing authority is required to revoke the heavy goods vehicle driver's licence of a person under the age of 21, the authority shall order that person to be disqualified for holding or obtaining such a licence until he attains the age of 21”, and

(b) at the end of subsection (3) there shall be inserted the following subsection—

“(4) If, while the holder of a heavy goods vehicle driver's licence is disqualified under subsection (1A) above, the circumstances prescribed for the purposes of section 115(1A) of this Act cease to exist in his case, then, on an application made to the authority in that behalf, the licensing authority of the traffic area where he resides shall remove the disqualification, but so long as the disqualification continues in force a heavy goods vehicle driver's licence shall not be granted to him and any such licence obtained by him shall be of no effect”.

- (5) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences) after the entry relating to section 114(3) there shall be inserted the following entry:—

“114(4)	Employing a person under 21 to drive heavy goods vehicle in contravention of conditions of heavy goods vehicle driver's licence.	Summarily	£100.	—	—	Section 181 applies.”
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## 16 Amendments relating to operators' licences

The provisions of Part V of the Transport Act 1968 (regulation of carriage of goods by road) relating to operators' licences shall be amended in accordance with Schedule 4 to this Act.

## 17 Experimental introduction of road humps for controlling vehicle speeds

- (1) The Secretary of State may conduct experiments as to the effectiveness, safety and acceptability to the public of the construction in or on the surface of highways of artificial humps or depressions (in this section referred to as "road humps") designed to control the speed of vehicles, and for this purpose he may, subject to the following

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provisions of this section, construct, maintain and remove road humps in any highway maintainable at the public expense, within the meaning of the Highways Act 1959.

- (2) Except with the consent of the highway authority, the Secretary of State shall not construct a road hump in a highway for which he is not the highway authority, and where a road hump has been constructed in such a highway in accordance with this section—
  - (a) neither the highway authority nor any other authority having power to maintain that highway shall remove or otherwise interfere with the road hump without the consent of the Secretary of State; and
  - (b) any obligation imposed on any other person having power to break open that highway to make good any damage to it or otherwise to reinstate it shall include an obligation to make good any damage to, or otherwise reinstate, the road hump.
- (3) In any case where the Secretary of State proposes to construct a road hump in a highway under this section, he shall—
  - (a) publish in one or more local newspapers circulating in the area in which the highway concerned is situated, and
  - (b) place at appropriate points on that highway,
 

a notice of his proposal, stating the nature, dimensions and proposed location of the road hump, the address to which objections to his proposals may be sent and the period, which shall be not less than 21 days beginning with the date on which the notice is first published in accordance with paragraph (a) above, within which any such objections may be so sent.
- (4) The Secretary of State shall consider any objections sent to him in accordance with a notice under subsection (3) above and, if he thinks fit, may cause a local inquiry to be held ; and section 279 of the Highways Act 1959 (provisions as to inquiries) shall have effect in relation to an inquiry caused to be held under this subsection as it has effect in relation to an inquiry caused to be held under that section.
- (5) A road hump constructed in a highway in accordance with this section shall be removed not later than the expiry of the period of one year beginning with the day on which its construction began.
- (6) The power of the Secretary of State under subsection (1) above to construct, maintain and remove road humps in a highway includes power—
  - (a) to exercise the powers of a highway authority in relation to the placing, maintenance and removal of any traffic sign, within the meaning of the 1967 Act, relating to a road hump in a highway for which he is not the highway authority, and
  - (b) to carry out any works ancillary to or consequential on the construction, maintenance or removal of a road hump or the exercise of any power conferred on him by paragraph (a) above,

and the Secretary of State and a local highway authority may enter into an agreement for the carrying out by the local highway authority of any works (including works of maintenance) which the Secretary of State is empowered to carry out in relation to a road hump which he is authorised to construct or has constructed in accordance with this section (whether in a highway for which he is the highway authority or otherwise).
- (7) In relation to a road hump in a highway for which the Secretary of State is not the highway authority—

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- (a) the highway authority for that highway, and
  - (b) any other authority having power to maintain that highway,may pay to the Secretary of State a contribution equal to the whole or any part of the expenditure incurred by him in connection with the construction, maintenance or removal of the hump or in the exercise of any other power relating to it.
- (8) Any road hump constructed in a highway in the exercise of the Secretary of State's powers under this section shall be so constructed and maintained that—
  - (a) it does not raise the surface of the highway by more than 5 inches above, or lower that surface by more than 2 inches below, the surface of the highway on either side of the hump ; and
  - (b) it is of such a shape that no damage is likely to be caused to the tyres of a vehicle passing over the hump.
- (9) If and so long as a road hump is constructed and maintained in a highway in accordance with this section and the presence of the hump is indicated by a traffic sign of a type prescribed or character authorised under section 54 of the 1967 Act—
  - (a) the road hump shall be treated as not constituting an obstruction to the highway ; and
  - (b) the highway authority shall not be treated as being in breach of their duty to maintain the highway by reason only of the presence of the road hump.

## **18 Use of pyrotechnic flares by police for traffic purposes**

- (1) Notwithstanding anything in the Explosives Act 1875 or in any other enactment, a constable who is for the time being engaged in the regulation of traffic in a road or any person acting under his authority may, on or in the vicinity of the road, light and use a flare for the purpose of regulating the traffic.
- (2) In this section " flare "means a firework or other device designed to produce a light by a process of combustion.

## **19 Power of police or local authority to retain custody of removed vehicles until charges are paid**

In section 52 of the 1967 Act, as set out in Schedule 1 to the Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967 (charges for removing, storing and disposing of vehicles) after subsection (2) there shall be inserted the following subsection:—

“(2A) Without prejudice to subsection (2) above, where, by virtue of paragraph (a) or paragraph (b) of subsection (1) above, any sum is recoverable in respect of a vehicle by the chief officer of a police force or a local authority in whose custody the vehicle is, the chief officer or authority shall be entitled to retain custody of it until that sum has been paid.”

## **20 Authorised insurers required to be members of Motor Insurers' Bureau**

- (1) At the end of section 145(2) of the 1972 Act (definition of " authorised insurer " for Part VI of that Act) there shall be added the words " and being a member of the Motor Insurers' Bureau, a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946 ".

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- (2) In section 86 of the Road Traffic Act (Northern Ireland) 1970 (definition of "authorised insurer" for Part V of that Act) after the words "insurance business" there shall be inserted the words "and being a member of the Motor Insurers' Bureau a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946".
- (3) If any person or body of persons ceases to be a member of the Motor Insurers' Bureau referred to in subsections (1) and (2) above, that person or body shall not thereby cease to be treated as an authorised insurer for the purposes of Part VI of the 1972 Act or, as the case may be, Part V of the Road Traffic Act (Northern Ireland) 1970—
- (a) in relation to any policy issued by the insurer before ceasing to be such a member; or
  - (b) in relation to any obligation (whether arising before or after the insurer ceased to be such a member) which the insurer may be called upon to meet under or in consequence of any such policy or under section 154 of the 1972 Act or section 84 of the said Act of 1970 (payments for hospital treatment) by virtue of making a payment in pursuance of such an obligation.

## 21 Variation of penalties for certain offences

- (1) In the case of a summary conviction of an offence against—
- (a) any provision of the 1960 Act specified in column 1 of Part I of Schedule 5 to this Act (of which the general nature is indicated in column 2 thereof), or
  - (b) any provision of the 1967 Act specified in column 1 of Part II of that Schedule (of which the general nature is indicated in column 2 thereof),
- the maximum punishment shall be varied from that now in force and specified in relation to that offence in column 3 of the said Part I or Part II, as the case may require, to the new punishment specified in relation to that offence in column 4 thereof; and for that purpose the amendments of those Acts specified in column 5 of the said Parts I and II shall have effect.
- (2) For the purpose of varying the maximum punishment on summary conviction of an offence against any of the provisions of the 1972 Act specified in column 1 of Part III of Schedule 5 to this Act (of which the general nature is indicated in column 2 thereof) for the entry in column 4 of Part I of Schedule 4 to that Act in relation to each of those provisions (which entries are set out in column 3 of Part III of Schedule 5 to this Act) there shall be substituted the corresponding entry in column 4 of the said Part III; and in section 178 of that Act (summary penalty for breach of regulations) for the words "£20" there shall be substituted the words "£50".
- (3) The amendments in Part IV of Schedule 5 to this Act shall have effect for the purpose of varying the penalties in the case of certain offences which are triable summarily or on indictment.
- (4) In consequence of the amendment in Part III of Schedule 5 to this Act relating to an offence under section 40(5) of the 1972 Act (contravention of construction and use regulations) in Part I of Schedule 4 to that Act, in column 5 (disqualification) of the entry relating to section 40(5) of that Act—
- (a) in paragraph (a), after the words "paragraph (a)" there shall be inserted the words "or paragraph (c)"; and



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- (b) at the end there shall be added the words " Discretionary if committed by carrying on a motor vehicle or trailer a load which, by reason of its insecurity or position, is likely to cause danger, but subject to the exception above ".
- (5) Nothing in the preceding provisions of this section or in Schedule 5 to this Act shall apply in relation to offences committed on or before the day appointed for the coming into operation of this section.

## **22 Jurisdiction of courts of summary jurisdiction in Scotland for certain offences**

The following enactments relating to the jurisdiction of courts of summary jurisdiction in Scotland in relation to certain offences shall be amended as follows:—

- (a) in section 92 of the 1967 Act for the words " £50 " there shall be substituted the words " £100 "; and
- (b) in section 184 of the 1972 Act for the words " £50 " there shall be substituted the words " £100 ".

## **23 Interpretation**

- (1) In this Act—
  - " the 1960 Act " means the Road Traffic Act 1960 ;
  - " the 1967 Act " means the Road Traffic Regulation Act 1967; and
  - " the 1972 Act " means the Road Traffic Act 1972.
- (2) Except in so far as the context otherwise requires, references in this Act to any other enactment shall be construed as referring to that enactment as amended by or under any other enactment, including this Act.

## **24 Short title, amendments, repeals, commencement and extent**

- (1) This Act may be cited as the Road Traffic Act 1974.
- (2) Schedule 6 to this Act, which contains minor amendments and amendments consequential on the provisions of this Act, shall have effect.
- (3) The enactments specified in Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule
- (4) Except in its application to Northern Ireland, this Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different purposes; and an order bringing into operation any provision of Schedule 7 to this Act may contain such savings from the effect of the repeal concerned as the Secretary of State considers to be appropriate.
- (5) This Act, except section 20, does not extend to Northern Ireland, and in its application to Northern Ireland section 20 shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different purposes.