



Road Traffic Act 1974

1974 CHAPTER 50

Miscellaneous

10—^{F1}
15.

Textual Amendments

F1 Ss. 6–15, 20–22 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

16 Amendments relating to operators' licences.

The provisions of Part V of the ^{M1}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.

Modifications etc. (not altering text)

C1 The text of ss. 16 and 24(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1968 c. 73.

^{F2}17 (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 ^{M2}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 [^{F3}the ^{M3}Road Traffic Regulation Act 1984], 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 [^{F4}section 64 of the Road Traffic Regulation Act 1984]—
- (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.]

Textual Amendments

- F2** S. 17 repealed (E.W.) by [Transport Act 1981 \(c. 56, SIF 107:1, 126\)](#), s. 40, [Sch. 12 Pt. III](#) and (S.) (*prosp.*) by same enactment
- F3** Words substituted (S.) by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), [Sch. 13 para. 31\(a\)](#)
- F4** Words substituted (S.) by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), [Sch. 13 para. 31\(b\)](#)

Marginal Citations

- M2** [1959 c. 25](#)
- M3** [1984 c. 27\(107:1\)](#).

18 Experimental introduction of road humps for controlling vehicle speeds.

- (1) Notwithstanding anything in the ^{M4}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.

Marginal Citations

- M4** [1875 c. 17\(51:2\)](#).

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Textual Amendments

F5 S. 19 repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 14**

20— **F6**
22.

Textual Amendments

F6 Ss. 6–15, 20–22 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

23 Variation of penalties for certain offences.

- (1) In this Act—
 - “the 1960 Act” means the ^{M5}Road Traffic Act 1960;
 - “the 1967 Act” means the ^{M6}Road Traffic Regulation Act 1967; and
 - “the 1972 Act” means the ^{M7}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.

Marginal Citations

- M5** 1960 c. 16(107:1).
- M6** 1967 c. 76(107:1).
- M7** 1972 c. 20(107:1).

24 Interpretation.

- (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) ^{F7} 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 . . . ^{F7} does not extend to Northern Ireland . . . ^{F7}

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Textual Amendments

F7 Words repealed by [S.I. 1981/160](#), **art. 3(1)(b)**

Modifications etc. (not altering text)

C2 The text of ss. 16 and 24(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

C3 Power of appointment conferred by s. 24(4) partly exercised: [S.I. 1974/2075](#); 1975/264, 489, 756, 1154, 1479, 1653; 1979/85; 1984/811

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