



# Transport Act 1982

## 1982 CHAPTER 49

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Environmental control of goods vehicle operating centres*

#### **52 Control of operating centres for goods vehicles on environmental grounds**

- (1) The operating centre of any authorised vehicle under a goods vehicle operator's licence granted under Part V of the Transport Act 1968 shall be the base or centre at which it is normally kept (whether or not it is also normally used from there); and accordingly, in section 92(1) of that Act (interpretation of Part V), for the definition of " operating centre " there shall be substituted the following definition—

“ operating centre', in relation to any vehicle, means the base or centre at which the vehicle is normally kept, and references to an operating centre of the holder of an operator's licence are references to any place which is an operating centre for authorised vehicles under the licence”.

- (2) The provisions set out in Part I of Schedule 4 to this Act (which establish control by licensing authorities under Part V of the Transport Act 1968 over—

- (a) the places which may be used as operating centres for authorised vehicles under goods vehicle operators' licences granted under that Part of that Act; and
- (b) the use to which any such centre may be put for authorised vehicles under any operator's licence so granted ;

with a view to preventing or minimising any adverse effects on environmental conditions arising from the situation of any such centres or from their use as mentioned in paragraph (b) above) shall be inserted in Part V of that Act immediately after section 69.

- (3) Part II of Schedule 4 to this Act shall have effect for the purpose of making amendments of the provisions of the Transport Act 1968 relating to goods vehicle operators' licences supplementing the provisions set out in Part I of that Schedule, and

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for the purpose of extending the right to object to or make representations against the grant or variation of such licences to certain authorities, other than local authorities, exercising planning functions.

*Immobilisation of vehicles illegally parked*

**53 Immobilisation of vehicles illegally parked**

- (1) Subject to sections 54 and 55 of this Act, where a constable finds a vehicle on a road which has been permitted to remain at rest there in contravention of any prohibition or restriction imposed by or under any enactment, he may—
  - (a) fix an immobilisation device to the vehicle while it remains in the place in which he finds it; or
  - (b) move it from that place to another place on the same or another road and fix an immobilisation device to it in that other place;or authorise another person to take under his direction any action he could himself take by virtue of paragraph (a) or (b) above.
- (2) On any occasion when an immobilisation device is fixed to a vehicle in accordance with this section the constable or other person fixing the device shall also affix to the vehicle a notice—
  - (a) indicating that such a device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from that device;
  - (b) specifying the steps to be taken in order to secure its release; and
  - (c) giving such other information as may be prescribed.
- (3) A vehicle to which an immobilisation device has been fixed in accordance with this section may only be released from that device by or under the direction of a constable.
- (4) Subject to subsection (3) above, a vehicle to which an immobilisation device has been fixed in accordance with this section shall be released from that device on payment in any manner specified in the notice affixed to the vehicle under subsection (2) above of such charge in respect of the release as may be prescribed.
- (5) A notice affixed to a vehicle under this section shall not be removed or interfered with except by or under the authority of the person in charge of the vehicle or the person by whom it was put in the place where it was found by the constable; and any person contravening this subsection shall be liable on summary conviction to a fine not exceeding £50.
- (6) Any person who, without being authorised to do so in accordance with this section, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with this section shall be liable on summary conviction to a fine not exceeding £200.
- (7) Where a vehicle is moved in accordance with this section before an immobilisation device is fixed to it, any power of removal under regulations for the time being in force under section 20 of the 1967 Act (removal of vehicles illegally parked etc.) which was exercisable in relation to that vehicle immediately before it was so moved shall continue to be exercisable in relation to that vehicle while it remains in the place to which it was so moved.

- (8) In relation to any vehicle which is removed in pursuance of any such regulations or under section 3 of the Refuse Disposal (Amenity) Act 1978 (duty of local authority to remove abandoned vehicles) from a place to which it was moved in accordance with this section, references in the definition of " person responsible " in section 52 of the 1967 Act and section 5 of the Act of 1978 mentioned above (recovery from person responsible of charges and expenses in respect of vehicles removed) to the place from which the vehicle was removed shall be read as references to the place in which it was immediately before it was moved in accordance with this section.
- (9) In this section " immobilisation device " means any device or appliance designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion, being a device or appliance of a type approved by the Secretary of State for use for that purpose in accordance with this section.
- (10) Any sum received by virtue of subsection (4) above shall be paid into the police fund.

#### **54 Exemptions from section 53**

- (1) Subject to the following provisions of this section, section 53(1) of this Act shall not apply in relation to a vehicle found by a constable in the circumstances mentioned in that subsection if either—
- (a) a current disabled person's badge is displayed on the vehicle; or
  - (b) the vehicle is in a meter bay within a parking place designated by an order made under section 35 of the 1967 Act (referred to below in this section as a designation order).
- (2) The exemption under subsection (1)(b) above shall not apply in the case of any vehicle if—
- (a) the meter bay in which it was found was not authorised for use as such at the time when it was left there (referred to below in this section as the time of parking); or
  - (b) an initial charge was not duly paid at the time of parking ; or
  - (c) there has been since that time any contravention in relation to the relevant parking meter of any provision made by virtue of section 36(2)(c) of that Act (meter-feeding) ; or
  - (d) more than two hours have elapsed since the end of any period for which an initial charge was duly paid at the time of parking or (as the case may be) since the end of any unexpired time in respect of another vehicle available on the relevant parking meter at the time of parking.
- (3) For the purposes of subsection (2)(a) above, a meter bay in a parking place designated by a designation order is not authorised for use as such at any time when—
- (a) by virtue of section 37(1)(a) of the 1967 Act (times when vehicles may not be left in designated parking place) the parking place is treated for the purposes of sections 36 and 42 of that Act as if it were not designated by that order; or
  - (b) the use of the parking place or of any part of it that consists of or includes that particular meter bay is suspended under section 37(3) of that Act (order may confer power on certain authorities to suspend use of designated parking place or any part of it, etc.).

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- (4) In relation to any vehicle found in a meter bay within a parking place designated by a designation order, references in subsection (2) above to an initial charge are references to an initial charge payable in respect of that vehicle under section 35 of the 1967 Act.
- (5) In any case where section 53(1) of this Act would apply in relation to a vehicle but for subsection (1)(a) above, the person guilty of contravening the prohibition or restriction mentioned in section 53(1) is also guilty of an offence under this subsection if the conditions mentioned in subsection (6) below are met.
- (6) Those conditions are that at the time when the contravention occurred—
- (a) the vehicle was not being used either by the person to whom the disabled person's badge was issued or under subsection (4) (institutional use) of section 21 of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons); and
  - (b) he was not using the vehicle in circumstances falling within section 86A(2)(b) of the 1967 Act (circumstances where certain concessions are available to disabled person's vehicles).
- (7) A person guilty of an offence under subsection (5) above shall be liable on summary conviction to a fine not exceeding £200.
- (8) In this section—
- " disabled person's badge " means any badge issued, or having effect as if issued, under any regulations for the time being in force under section 21 of the Chronically Sick and Disabled Persons Act 1970 ;
  - " initial charge " and " parking meter" have the same meanings as in section 36 of the 1967 Act; and
  - " meter bay " means a parking space equipped with a parking meter;
- and the references in subsection (2) above to the relevant parking meter are references to the parking meter relating to the meter bay in which the vehicle in question was found.

## **55 Initial experimental period for immobilisation of vehicles**

- (1) Sections 53 and 54 of this Act (referred to below in this section as the principal sections) shall extend only to such areas as the Secretary of State may by order specify; and the power of the Secretary of State to extend those sections to any area is subject to the following provisions of this section.
- (2) During the experimental period for the purposes of the principal sections—
- (a) any order under this section extending those sections to any area shall be an experimental order; and
  - (b) only one such order may be in force at any one time (without prejudice to the variation of that order from time to time by a further order under this section).
- (3) An experimental order—
- (a) shall relate to a single area only (without prejudice to the alteration of that area from time to time by a further order under this section varying the experimental order); and
  - (b) shall expire at the end of the period of two years beginning with the day on which it comes into force, unless it is previously revoked or continued in force by a further order under this section.

- (4) The experimental period for the purposes of the principal sections is the period beginning with the date on which those sections come into force and ending with the date on which any order continuing in force an experimental order under this section comes into force.
- (5) After the end of the experimental period for the purposes of the principal sections any order under this section extending those sections to any area may be made for a limited period or without limit of time (subject to variation or revocation by a further order under this section).
- (6) An order under this section continuing in force an experimental order under this section shall not be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (7) The Secretary of State shall not by order under this section (including any order varying an existing order) extend the principal sections to any area for the first time unless requested to do so by the authority responsible for traffic regulation in that area.
- (8) For the purposes of subsection (7) above, the authority responsible for traffic regulation in any area is—
  - (a) in relation to any area in Greater London, the Greater London Council;
  - (b) in relation to any area in England and Wales other than an area in Greater London, the council of the county ; and
  - (c) in relation to any area in Scotland, the regional or islands council.

#### *Miscellaneous*

### **56 Definition of heavy commercial vehicle**

- (1) In section 104 of the 1967 Act (general interpretation provisions) the following subsections shall be inserted after subsection (1) (in substitution for subsections (1A) to (1E) inserted by section 1(7) of the Heavy Commercial Vehicles (Controls and Regulations) Act 1973)—

“(1A) In this Act "heavy commercial vehicle" means any goods vehicle which has an operating weight exceeding 7\*5 tonnes.

(1B) The operating weight of a goods vehicle for the purposes of this section is—

- (a) in the case of a motor vehicle not drawing a trailer, or in the case of a trailer, its maximum laden weight;
- (b) in the case of an articulated vehicle, its maximum laden weight (if it has one) and otherwise the aggregate maximum laden weight of all the individual vehicles forming part of that articulated vehicle; and
- (c) in the case of a motor vehicle (other than an articulated vehicle) drawing one or more trailers, the aggregate maximum laden weight of the motor vehicle and the trailer or trailers attached to it.

(1C) In this section—

" articulated vehicle " means a motor vehicle with a trailer so attached to it as to be partially superimposed upon it;

" goods vehicle" has the same meaning (except as provided by subsection (1D) below) as in the Road Traffic Act 1972;

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and references to the maximum laden weight of a vehicle are references to the total laden weight which must not be exceeded in the case of that vehicle if it is to be used in Great Britain without contravening any regulations for the time being in force under section 40 of that Act (construction and use regulations).

(1D) In this section, and in the definition of " goods vehicle " in section 196(1) of that Act as it applies for the purposes of this section, " trailer " means any vehicle other than a motor vehicle.

(1E) The Secretary of State may by regulations amend subsections (1A) and (1B) above (whether as originally enacted or as previously amended under this subsection)—

- (a) by substituting weights of a different description for any of the weights there mentioned; or
- (b) in the case of subsection (1A) above, by substituting a weight of a different description or amount, or a weight different both in description and amount, for the weight there mentioned.

(1F) Different regulations may be made under subsection (1E) above for the purpose of different provisions of this Act and as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects roads in different localities.

(1G) Regulations under subsection (1E) above shall not so amend subsection (1A) above that there is any case in which a goods vehicle whose operating weight (ascertained in accordance with subsection (1B) above as originally enacted) does not exceed 7.5 tonnes is a heavy commercial vehicle for any of the purposes of this Act”.

(2) In section 36A of the 1972 Act (prohibition of parking of heavy commercial vehicles on verges and footways), for subsections (5) to (9) (which contain a definition of " heavy commercial vehicle " which corresponds to that replaced for the purposes of the 1967 Act by the definition inserted in section 104 of that Act by subsection (1) above) there shall be substituted the following subsections—

“(5) In this section " heavy commercial vehicle " means any goods vehicle which has an operating weight exceeding 7.5 tonnes.

(6) The operating weight of a goods vehicle for the purposes of this section is—

- (a) in the case of a motor vehicle not drawing a trailer or in the case of a trailer, its maximum laden weight;
- (b) in the case of an articulated vehicle, its maximum laden weight (if it has one) and otherwise the aggregate maximum laden weight of all the individual vehicles forming part of that articulated vehicle; and
- (c) in the case of a motor vehicle (other than an articulated vehicle) drawing one or more trailers, the aggregate maximum laden weight of the motor vehicle and the trailer or trailers attached to it

(7) In this section " articulated vehicle " means a motor vehicle with a trailer so attached to it as to be partially superimposed upon it; and references to the maximum laden weight of a vehicle are references to the total laden weight which must not be exceeded in the case of that vehicle if it is to be used in Great Britain without contravening any regulations for the time being in force under section 40 of this Act.

- (8) In this section, and in the definition of "goods vehicle " in section 196(1) of this Act as it applies for the purposes of this section, " trailer " means any vehicle other than a motor vehicle.
- (9) The Secretary of State may by regulations amend subsections (5) and (6) above (whether as originally enacted or as previously amended under this subsection)—
- (a) by substituting weights of a different description for any of the weights there mentioned ; or
  - (b) in the case of subsection (5) above, by substituting a weight of a different description or amount, or a weight different both in description and amount, for the weight there mentioned.
- (10) Different regulations may be made under subsection (9) above as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects different localities.
- (11) Regulations under subsection (9) above shall not so amend subsection (5) above that there is any case in which a goods vehicle whose operating weight (ascertained in accordance with subsection (6) above as originally enacted) does not exceed 7.5 tonnes is a heavy commercial vehicle for any of the purposes of this section.”.
- (3) For the purpose of determining whether or not any vehicle is a heavy commercial vehicle for the purposes of a traffic regulation order or experimental traffic order—
- (a) made before 13th August 1981 (whether or not varied or, in the case of an experimental traffic order, continued after that date); and
  - (b) including any such provision as is referred to in section 1 (3AA) of the 1967 Act;
- the new definition shall not apply during the transitional period and the previous definition shall continue to apply during that period.

- (4) In subsection (3) above—
- "experimental traffic order" has the same meaning as it has in section 9 of the 1967 Act, but does not include an order in respect of traffic on roads in Greater London ;
  - " the new definition " means section 104(1A) to (1G) of that Act, as it has effect by virtue of subsection (1) above;
  - " the previous definition " means section 104(1A) to (1E) of that Act, as it had effect before the coming into force of this section ;
  - " traffic regulation order " has the same meaning as it has in section 1 of that Act; and
  - " transitional period" means the period beginning with the coming into force of this section and ending with 31st December 1989.

## **57 Authorisation of head-worn appliances for use on motor cycles**

- (1) The following section shall be inserted after section 33 of the 1972 Act (protective helmets for motor cyclists) immediately before section 33A of that Act (which was inserted by section 27 of the Transport Act 1981)—

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**“33AA Authorisation of head-worn appliances for use on motor cycles.**

- (1) The Secretary of State may make regulations prescribing (by reference to shape, construction or any other quality) types of appliance of any description to which this section applies as authorised for use by persons driving or riding (otherwise than in sidecars) on motor cycles of any class specified in the regulations.
- (2) Regulations under this section—
  - (a) may impose restrictions or requirements with respect to the circumstances in which appliances of any type prescribed by the regulations may be used ; and
  - (b) may make different provision in relation to different circumstances.
- (3) If a person driving or riding on a motor cycle on a road uses an appliance of any description for which a type is prescribed under this section he shall be guilty of an offence if that appliance is not of a type so prescribed or is otherwise used in contravention of regulations under this section.
- (4) If a person sells, or offers for sale, an appliance of any such description as authorised for use by persons on or in motor cycles, or motor cycles of any class, and that appliance is not of a type prescribed under this section as authorised for such use, he shall, subject to subsection (5) below, be guilty of an offence.
- (5) A person shall not be convicted of an offence under this section in respect of the sale or offer for sale of an appliance if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.
- (6) In England or Wales the council of a county or of a London borough, the Greater London Council or the Common Council of the City of London may institute proceedings for an offence under this section.
- (7) The provisions of Schedule 1 to this Act shall have effect in relation to contraventions of subsection (4) of this section as they have effect in relation to contraventions of section 33 of this Act; and in that Schedule, as it has effect by virtue of this subsection—
  - (a) references to helmets shall be read as references to appliances to which this section applies; and
  - (b) the reference in paragraph 4(1)(a) to a type which under the principal section could be lawfully sold or offered for sale shall be read as a reference to a type which under this section could be lawfully sold or offered for sale as authorised for use in the manner in question.
- (8) This section applies to appliances of any description designed or adapted for use—
  - (a) with any headgear ; or
  - (b) by being attached to or placed upon the head;(as, for example, eye protectors or earphones).
- (9) References in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.”.



(2) The following entries shall be inserted in Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences) immediately after the entry relating to section 33—

“33AA(3)	Contravention of regulations with respect to use of head-worn appliances on motor cycles.	Summarily.	£50.	—	—	—
33AA(4)	Selling, etc., appliance not of prescribed type as approved for use on motor cycles.	Summarily.	£200.	—	—	—.”.

**58 Penalty points for accessories to traffic offences**

The following shall be substituted for Part I of Schedule 7 to the Transport Act 1981 (penalty points)—

**“PART I**

**OFFENCES WHERE DISQUALIFICATION OBLIGATORY FOR PRINCIPAL OFFENDERS EXCEPT FOR SPECIAL REASONS**

Description of offence	Number of penalty points
Any offence involving obligatory disqualification (within the meaning of Part III of the Road Traffic Act 1972)—	
(a) in the case of an offence which is treated as an offence involving discretionary disqualification for the purposes of section 93 of that Act by virtue of subsection (6) of that section (offences committed by aiding, etc., the commission of an offence involving obligatory disqualification)	10
(b) in any other case	4.”.

**59 Specimens of breath for breath tests, etc.**

In section 12(3) of the 1972 Act as inserted by Schedule 8 to the Transport Act 1981 (circumstances in which a person fails to provide a specimen of breath for a breath test or for analysis), the following words shall be added at the end " and provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved ".

**60 Alteration of procedure governing the Highway Code**

The following section shall be substituted for section 37 of the 1972 Act—

**“37 The Highway Code.**

- (1) The Highway Code shall continue to have effect, subject however to revision in accordance with the following provisions of this section.
- (2) Subject to the following provisions of this section, the Secretary of State may from time to time revise the Highway Code by revoking, varying, amending or adding to the provisions of the Code in such manner as he thinks fit.
- (3) Where the Secretary of State proposes to revise the Highway Code by making any alterations in the provisions of the Code, other than alterations merely consequential on the passing, amendment or repeal of any statutory provision, he shall lay the proposed alterations before both Houses of Parliament and shall not make the proposed revision until after the end of a period of forty days beginning with the day on which the alterations were so laid.
- (4) If within the period mentioned in subsection (3) above either House resolves that the proposed alterations be not made, the Secretary of State shall not make the proposed revision (but without prejudice to the laying before Parliament of further proposals for alteration in accordance with that subsection).
- (5) Before revising the Highway Code by making any alterations in its provisions which are required by subsection (3) above to be laid before Parliament, the Secretary of State shall consult with such representative organisations as he thinks fit.
- (6) The Secretary of State shall cause the Highway Code to be printed and may cause copies of it to be sold to the public at such price as he may determine.
- (7) A failure on the part of a person to observe a provision of the Highway Code shall not of itself render that person liable to criminal proceedings of any kind but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act, the Road Traffic Regulation Act 1967 or the Public Passenger Vehicles Act 1981) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.
- (8) In this section " the Highway Code " means the code comprising directions for the guidance of persons using roads issued under section 45 of the Road Traffic Act 1930, as from time to time revised under this section or under any previous enactment.
- (9) For the purposes of subsection (3) above—

- (a) "statutory provision" means a provision contained in an Act or in subordinate legislation within the meaning of the Interpretation Act 1978 (and the reference to the passing or repeal of any such provision accordingly includes the making or revocation of any such provision);
- (b) where the proposed alterations are laid before each House of Parliament on different days, the later day shall be taken to be the day on which they were laid before both Houses; and
- (c) in reckoning any period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days."

## 61 Speed limits

- (1) In determining whether a road which is provided with such a system of street lighting as is mentioned in section 72(1) of the 1967 Act (street lighting system of specified density) is a restricted road for the purpose of section 71 of that Act (general speed limit for restricted roads), the qualification imposed in the case of trunk or classified roads by section 72(2) (whereby the provision of such a system renders the road restricted only if the system was provided before 1st July 1957) shall cease to have effect.
- (2) Any road which—
  - (a) would (apart from this subsection) become a restricted road by virtue of subsection (1) above at the time of the coming into operation of this section ; and
  - (b) immediately before that time was treated as if it were not a restricted road ; shall be taken to have ceased to be a restricted road before that time by virtue of a direction duly given under section 72(3) and still in force at that time.
- (3) For the purposes of subsection (2)(b) above, a road shall be taken as having been treated as if it were not a restricted road immediately before the time mentioned in that subsection if immediately before that time there was in place in respect of that road any sign of a description prescribed for indicating—
  - (a) that no maximum speed limit (other than one in respect of which no sign is required) is to be observed on any road in respect of which it is placed; or
  - (b) that a maximum speed limit is to be observed on any such road;so long as in a case within paragraph (b) above the maximum speed limit displayed is greater than the rate of speed fixed by section 71 at that time (maximum speed limit of thirty miles per hour on restricted roads).
- (4) For the purposes of subsection (3)(a) above, a maximum speed limit is one in respect of which no sign is required if it is one in relation to which section 75 of the 1967 Act does not apply.
- (5) In consequence of the preceding provisions of this section, section 72(2) and (4) of the 1967 Act is hereby repealed.
- (6) In this section " road " means any length of road.

## 62 Approval of radar speed measuring devices

There shall be inserted after section 78A of the 1967 Act the following section—

**“78B Approval of radar speed measuring devices.**

On the prosecution of a person for any speeding offence, evidence of the measurement of any speed by a device designed or adapted for measuring by radar the speed of motor vehicles shall not be admissible unless the device is of a type approved by the Secretary of State.”.

**63 Amendment of certain penalties in the 1972 Act**

- (1) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences), column 4 of the entry relating to section 40(5) (contravention of construction and use regulations) shall be amended as follows—
- (a) for " £400 ", in both places where it occurs, there shall be substituted " £1,000 ";
  - (b) for " £100 " there shall be substituted " £500 "; and
  - (c) after the words "goods vehicle", in the first place where they occur, there shall be inserted the words " or a vehicle adapted to carry more than eight passengers ".
- (2) In column 4 of the entry in Part I of Schedule 4 relating to section 44(1) of that Act (using, etc., a vehicle without required test certificate being in force) for " £100 " there shall be substituted—
- “(a) £500, in the case of a vehicle adapted to carry more than eight passengers ; and
  - (b) £200 in any other case.”.
- (3) This section does not apply in relation to offences committed before it comes into operation.

**64 Proceedings in respect of offences in connection with Crown vehicles**

- (1) In section 188 of the 1972 Act (application to the Crown), for subsections (8) and (9) there shall be substituted the following subsections—
- “(8) Where an offence under this Act is alleged to have been committed in connection with a vehicle in the public service of the Crown, proceedings may be brought in respect of the offence against a person nominated for the purpose on behalf of the Crown ; and subject to subsection (9) below, where any such offence is committed any person so nominated shall also be guilty of the offence as well as any person actually responsible for the offence (but without prejudice to proceedings against any person so responsible).
  - (9) Where a person is convicted of an offence by virtue of subsection (8) above—
    - (a) no order may be made on his conviction save an order imposing a fine;
    - (b) payment of any fine imposed on him in respect of that offence may not be enforced against him; and
    - (c) apart from the imposition of any such fine, the conviction shall be disregarded for all purposes other than any appeal (whether by way of case stated or otherwise).”

- (2) The subsections substituted by subsection (1) above for subsections (8) and (9) of section 188 of the 1972 Act (referred to below in this section as the 1972 Act subsections) shall also be substituted—
- (a) for section 97(4) of the 1967 Act; and
  - (b) for section 102(3) of the Transport Act 1968 ;
- renumbered in the former case as subsections (4) and (5) and in the latter case as subsections (3) and (3A) (and taking the reference in each of those subsections to the other as correspondingly renumbered).
- (3) As inserted by subsection (2) above in section 102 of the Transport Act 1968, subsection (8) of the 1972 Act subsections shall have effect with the substitution of the words " this Part of this Act " for the words " this Act " .

## **65 Marking of builders' skips**

In section 139 of the Highways Act 1980 (control of builders' skips), at the end of subsection (4)(a) (duty of owner of skip deposited on highway to secure that it is properly lighted) there shall be inserted the following words " and, where regulations made by the Secretary of State under this section require it to be marked in accordance with the regulations (whether with reflecting or fluorescent material or otherwise), that it is so marked " .

## **66 Powers exercisable in relation to harbour authorities in the interests of national defence**

- (1) If it appears to the Secretary of State that there is anything which a harbour authority ought in the interests of national defence—
- (a) to have power to do in connection with any harbour which they are engaged in improving, maintaining or managing; or
  - (b) to be required to do in connection with any such harbour ;
- he may authorise or direct the authority to do that thing.
- (2) No limitation on the powers of a harbour authority contained in any statutory provision, whenever passed or made, shall prevent the authority from acting in accordance with an authorisation or direction given under subsection (1) above.
- (3) A harbour authority or any other person who suffers injury, loss or damage in consequence of anything done in pursuance of an authorisation or direction given under subsection (1) above shall be entitled to receive from the Secretary of State such compensation as may be agreed or as may, in default of agreement, be determined by arbitration to be just having regard to all the circumstances of the particular case.
- (4) An arbitration under subsection (3) above shall, unless otherwise agreed, be the arbitration—
- (a) in England and Wales or Northern Ireland, of a single arbitrator to be appointed by the Lord Chancellor; and
  - (b) in Scotland, of a single arbiter to be appointed by the Lord President of the Court of Session.
- (5) Any compensation payable by the Secretary of State under this section shall be paid out of money provided by Parliament.

- (6) Any authorisation or direction given to a harbour authority by the Secretary of State under subsection (1) above shall be in writing; and it shall be the duty of any harbour authority to comply with any directions given to them under that subsection.
- (7) In this section "harbour", "harbour authority" and " statutory provision " have—
- (a) in relation to England, Wales and Scotland, the same meaning as in the Harbours Act 1964 ; and
  - (b) in relation to Northern Ireland, the same meaning as in the Harbours Act (Northern Ireland) 1970.

#### **67 Extended pension provision for members of transport Boards**

In paragraph 8 of Schedule 1 to the Transport Act 1962 (salaries, pensions etc. of members of Boards of nationalised transport industries), in sub-paragraph (1)(b) (Minister may determine pensions to be paid on the retirement or death of members of Boards), for the words " on the retirement or death " there shall be substituted the words " in the case ".

#### **68 Refusal or withdrawal of disabled person's badges**

In section 21 of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons) after subsection (7) there shall be inserted the following subsections—

- “(7A) Where the prescribed conditions are met in the case of any person, then—
- (a) if he applies to a local authority for the issue of a badge under this section, the authority may by notice refuse the application ; and
  - (b) if he holds a badge issued under this section by the authority, the authority may by notice require him to return the badge to them.

The conditions that may be prescribed for the purposes of this subsection are conditions relating to the misuse of badges issued under this section.

- (7B) A notice under subsection (7A) above may be given by post.
- (7C) A person whose application is refused under subsection (7A) above or who is required to return his badge under that subsection may, within the prescribed time, appeal to the Secretary of State who may confirm or reverse the decision of the local authority ; and, if he reverses it, the authority shall issue a badge accordingly or, as the case may be, the requirement to return the badge shall cease to have effect.
- (7D) A badge which is required to be returned to the issuing authority by virtue of subsection (6) above may not be displayed on any vehicle ; and a badge which is required to be so returned by virtue of a notice under subsection (7A) above shall be returned within the prescribed time and may not be displayed on any vehicle after that time.
- (7E) Regulations under this section may provide for the procedure to be followed in connection with appeals under subsection (7C) above; but the Secretary of State shall consult with the Council on Tribunals before making regulations that so provide.”.

**69 Evidence in certain proceedings in Scotland**

- (1) In any proceedings in Scotland for an offence referred to in subsection (2) below it shall be lawful to convict the accused on the evidence of one witness.
- (2) The offence referred to in subsection (1) above is any offence created by or under an enactment and punishable on summary conviction, being an offence committed in respect of a vehicle—
  - (a) by its being on a road during the hours of darkness as defined by section 82 of the 1972 Act without the lights or reflectors required by law ; or
  - (b) by its obstructing a road, or waiting, or being left or parked, or being loaded or unloaded, in a road ; or
  - (c) by the non-payment of a charge made at a street parking place; or
  - (d) by its being used in contravention of any provision of an order made or having effect as if made under section 1, 6 or 9, or of regulations made or having effect as if made under section 11 of the 1967 Act, being a provision—
    - (i) as to the route to be followed by vehicles of the class to which that vehicle belongs ; or
    - (ii) as to roads or parts of carriageways which are not to be used for traffic by such vehicles ; or
    - (iii) as to the places where such vehicles may not turn so as to face in the opposite direction to that in which they were proceeding or as to the conditions under which such vehicles may so turn ; or
  - (e) by its being used or kept on a public road within the meaning of the Vehicles (Excise) Act 1971 without a licence under that Act being exhibited on the vehicle in the manner prescribed under that Act.

**70 Payments in respect of applicants for exemption from wearing seat belts**

- (1) The Secretary of State may make payments out of money provided by Parliament in respect of the examination of applicants falling within any class mentioned in subsection (2) below, being applicants for medical certificates required as a condition of any exception prescribed by regulations under section 33A or 33B of the 1972 Act (wearing of seat belts).
- (2) The classes referred to in subsection (1) above are—
  - (a) those in receipt of—
    - (i) attendance allowance under section 35 of the Social Security Act 1975 ;
    - (ii) mobility allowance under section 37A of that Act;
    - (iii) disablement pension under section 57 of that Act at a weekly rate increased by virtue of section 61(1) of that Act (constant attendance needed); or
    - (iv) an allowance under article 14 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978 (constant attendance allowance);
  - (b) those in receipt of—
    - (i) family income supplement; or
    - (ii) any benefit under the Supplementary Benefits Act 1976;and their dependants ;

- (c) those provided with invalid carriages or other vehicles under subsection (1) of section 46 of the National Health Service (Scotland) Act 1978 or in receipt of grants under subsection (3) of that section in respect of invalid carriages or other vehicles which belong to them; and
  - (d) those whose names are in the register of disabled persons maintained under section 6 of the Disabled Persons (Employment) Act 1944.
- (3) The Secretary of State may by order amend subsection (2) above (whether as originally enacted or as previously amended under this subsection) so as to omit any of the classes mentioned in that subsection or add to or substitute for any of those classes other classes of any description.

## 71 Northern Ireland

An Order in Council under paragraph 1(1) (b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of section 70 of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House.

### *Supplemental*

## 72 Application to Crown

The following provisions of this Act, that is to say—

- (a) section 25 ; and
- (b) sections 53 and 54 ;

apply to vehicles and persons in the public service of the Crown.

## 73 Regulations and orders

- (1) Subject to subsection (2) below, any power conferred by this Act on the Secretary of State to make any order or regulations shall be exercisable by statutory instrument.
- (2) An order approving a type of device or appliance for use as an immobilisation device for the purposes of section 53 of this Act shall not be made by statutory instrument.
- (3) Before making—
  - (a) an order under section 29(2) or (5) of this Act;
  - (b) an order to which section 55(6) of this Act applies; or
  - (c) regulations under section 49(1) of this Act;
 the Secretary of State shall consult with such representative organisations as he thinks fit.
- (4) Any statutory instrument containing regulations or an order made under any provision of this Act, except an order made under section 5(5) or 76(2) of this Act or an order to which section 55(6) of this Act applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Regulations made under this Act may—



- (a) make different provision for different cases ; and
- (b) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations.

#### **74 Minor and consequential amendments and repeals**

- (1) The enactments specified in Schedule 5 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.
- (2) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule, but the repeal in the Heavy Commercial Vehicles (Controls and Regulations) Act 1973 is subject to the saving in section 56(3) of this Act.

#### **75 General interpretation**

In this Act—

- " the 1967 Act " means the Road Traffic Regulation Act 1967;
- " the 1972 Act " means the Road Traffic Act 1972 ;
- " prescribed " means prescribed by regulations made by the Secretary of State ; and
- " road " means any highway and any other road to which the public has access, and includes bridges over which a road passes.

#### **76 Citation, commencement and extent**

- (1) This Act may be cited as the Transport Act 1982.
- (2) Subject to subsection (3) below, this Act shall come into force on such day or days as the Secretary of State may by order appoint, and different days may be appointed for different purposes.
- (3) Sections 53 to 56 of this Act and paragraph 18 (except sub-paragraph (a)) of Schedule 5 to this Act shall come into force on the passing of this Act.
- (4) An order under subsection (2) above may contain such transitional provisions and savings (whether or not involving the modification of any statutory provision) as appear to the Secretary of State necessary or expedient in connection with the provisions brought (wholly or partly) into force by the order.
- (5) Without prejudice to the generality of subsection (4) above, the transitional provisions included by virtue of that subsection in any order bringing section 52 of and Schedule 4 to this Act into force may provide for applying Part V of the Transport Act 1968 as amended by that Schedule to operators' licences granted under Part V before the order comes into operation with such modifications as appear to the Secretary of State to be appropriate.
- (6) Except for Part I of this Act and the provisions mentioned in subsection (7) below, this Act shall not extend to Northern Ireland.
- (7) The provisions referred to in subsection (6) above are—
  - (a) sections 66, 67 and 71 of this Act; and

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

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- (b) the amendments in paragraphs 5 and 20 of Schedule 5 to this Act of, respectively, section 48(2) of the Transport Act 1968 and Part III of Schedule 1 to the House of Commons Disqualification Act 1975.
- (8) In subsection (4) above, " statutory provision " means a provision contained in an Act or in subordinate legislation within the meaning of the Interpretation Act 1978.