

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, SCHEDULE 10. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 10

Section 144.

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *General*

- 1 (1) In this Schedule “the <sup>MI</sup>1967 Act” means the Road Traffic Regulation Act 1967.
- (2) For the purposes of any provision of this Schedule which refers—
- (a) to an enactment repealed by this Act, or to the repeal by this Act of any enactment, and
  - (b) to the commencement of this Act,
- the commencement of this Act shall be taken to be the date on which the repeal by this Act of that enactment takes effect.

##### **Marginal Citations**

**MI** 1967 c. 76(107:1).

- 2 Where any enactment or document refers, whether specifically or by means of a general description, to an enactment repealed by and re-enacted (with or without modification) in this Act, or is to be construed as so referring, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.
- 3 Any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or deemed to have been done, or to an event which has occurred, under or by virtue of or for the purposes of, or by reference to, any provision of this Act includes (except where the context otherwise requires) a reference to the corresponding thing done, or having effect as if done, or required or authorised to be done, or omitted to be done, or deemed to have been done, or to the corresponding event which has occurred, as the case may be, under or by virtue of or for the purposes of or by reference to, the corresponding enactment repealed by this Act.
- 4 (1) Without prejudice to paragraph 3 above, any reference in this Act (whether express or implied) to a thing done by the Secretary of State, a local authority or any other authority under a provision of this Act includes (except where the context otherwise requires) a reference to the corresponding thing done, or having effect as if done, by a predecessor authority under the corresponding provision repealed by this Act.
- (2) In sub-paragraph (1) above “predecessor authority”—
- (a) in relation to the Secretary of State, means the Minister of Transport or other Minister exercising the relevant function before the transfer of the function to the Secretary of State, and

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(b) in relation to a council, means the authority exercising the relevant function before it vested in the council under the <sup>M2</sup>Local Government Act 1972, the <sup>M3</sup>London Government Act 1963, the <sup>M4</sup>Local Government (Scotland) Act 1973 or any other enactment.

(3) In sub-paragraph (2) above any reference to the Minister or authority exercising a function includes a reference to a Minister or authority exercising that function for particular purposes only or in relation only to a particular part of Great Britain.

**Marginal Citations**

**M2** 1972 c. 70(81:1).  
**M3** 1963 c. 33(81:1).  
**M4** 1973 c. 65(81:2).

5 Without prejudice to paragraphs 3 and 4 above, any power which, under an enactment repealed by this Act, was exercisable by the Secretary of State, a local authority or other authority immediately before the commencement of this Act by reference (whether express or implied) to anything done before the commencement of this Act may be exercised by the Secretary of State or that authority, as the case may be, under the corresponding provision of this Act.

6 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when that period began to run.

*Traffic regulation byelaws in Scotland*

7 Any byelaw made under section 104 of the <sup>M5</sup>Roads and Bridges (Scotland) Act 1878 or paragraph (1) or (3) of section 385 of the <sup>M6</sup>Burgh Police (Scotland) Act 1892 which—

- (a) was in force immediately before the commencement of the 1967 Act and by virtue of paragraph 6 of Schedule 8 to that Act had effect as if it were an order made under section 1 of that Act; and
- (b) continues so to have effect immediately before the commencement of this Act,

shall have effect as if it were an order under section 1 of this Act.

**Marginal Citations**

**M5** 1878 c. 51.  
**M6** 1892 c. 55(81:2).

*Meaning of “heavy commercial vehicle”*

8 (1) The following are the provisions referred to in subsection (7) of section 138 of this Act which, by virtue of that subsection, are to have effect for the purpose specified in that subsection during a transitional period; and the transitional period referred to in that section is the period beginning with 28th October 1982 and ending with 31st December 1989.

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- (2) Subject to sub-paragraphs (3) to (6) below, for the purpose and during the transitional period referred to in sub-paragraph (1) above “heavy commercial vehicle” means any vehicle, whether mechanically propelled or not, which is constructed or adapted for the carriage of goods and has an unladen weight exceeding 3 tons.
- (3) The Secretary of State may by regulations amend sub-paragraph (2) above in either or both of the following ways, that is to say—
  - (a) by substituting, for the reference to unladen weight, a reference to such other description of weight as may be specified in the regulations;
  - (b) by substituting, for the reference to 3 tons, a reference to such other weight as may be so specified.
- (4) Different regulations may be made under sub-paragraph (3) above for the purposes 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 regards different times of the day or night and as respects roads in different localities.
- (5) Regulations under sub-paragraph (3) above shall not so amend sub-paragraph (2) above that there is any case in which a vehicle whose unladen weight does not exceed 3 tons is, by virtue of this paragraph, a heavy commercial vehicle for the purposes of any of the provisions of this Act.
- (6) In the application of sub-paragraphs (2) to (5) above to a vehicle drawing one or more trailers, the drawing vehicle and the trailer or trailers shall be treated as one vehicle.

#### *Pedestrian crossings*

- 9 (1) Subsections (2) and (3) of section 23 of this Act shall apply in relation to the alteration and removal of crossings established, or having effect as if established, under section 21 of the 1967 Act (whether as that section had effect at any time before the commencement of the <sup>M7</sup>Local Government, Planning and Land Act 1980 or as it had effect by virtue of that Act) as they apply in relation to the alteration and removal of crossings established under section 23 of this Act.
- (2) Section 25(6) of this Act shall apply in relation to a crossing established, or having effect as if established—
  - (a) by a local authority under section 21 of the 1967 Act (whether as that section had effect at any time before the commencement of the said Act of 1980 or as it had effect by virtue of that Act), or
  - (b) by a Minister under section 22 of the 1967 Act,as it applies in relation to a crossing established by a local authority under section 23 or by the Secretary of State under section 24 of this Act.

#### **Marginal Citations**

**M7** 1980 c. 65(81:1, 2).

#### *Parking places*

- 10 (1) The power conferred on a local authority by section 33(7) of this Act shall have effect in relation to an off-street parking place provided by the authority under section 81 of the <sup>M8</sup>Road Traffic Act 1960, or under that section as applied by virtue of section 82

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of that Act, or under the corresponding provisions of the enactments repealed by that Act, as well as (by virtue of any of the provisions of the <sup>M9</sup>Interpretation Act 1978) it has effect in relation to an off-street parking place provided by the authority under section 28 of the 1967 Act.

- (2) Any arrangements for collecting and retaining charges as mentioned in section 33(7) of this Act which were made in respect of any parking place provided under any of the provisions referred to in sub-paragraph (1) above, and which are in force immediately before the commencement of this Act, shall continue to have effect after the repeal by this Act of section 29(9) of the 1967 Act, as if they were arrangements made under section 33(7) of this Act.

**Marginal Citations**  
**M8** 1960 c. 16.(107:1).  
**M9** 1978 c. 30(115:1).

- 11 (1) The repeal by this Act of Schedule 8 to the 1967 Act shall not affect the operation of paragraph 9 of that Schedule in relation to orders made before 1st January 1963 under the enactments mentioned in that paragraph (which saved such orders from the effect of the repeal of those enactments by that Act) except that the power to revoke or vary any such order shall be exercisable by an order under section 46 or 49 of this Act.
- (2) Without prejudice to the power of revocation conferred by sub-paragraph (1) above, an order made by a Minister before 1 January 1963 under section 86 or 87 of the <sup>M10</sup>Road Traffic Act 1960 may be revoked by an order of the Secretary of State.
- (3) The power to make an order under sub-paragraph (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Marginal Citations**  
**M10** 1960 c. 16(107:1).

<sup>F1</sup>12 .....

**Textual Amendments**  
**F1** Sch. 10 para. 12 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 and Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. X

- 13 Nothing in [<sup>F2</sup>subsections (1) to (3B) of section 35 or subsections (1) to (4) of section 35A] of this Act shall affect the <sup>M11</sup>Restriction of Ribbon Development (Power to Provide Parking Places) Order 1936, so far as it applies to the City of London, or shall apply to any byelaws having effect as respects the City of London by virtue of that Order; and that Order, so far as it so applies, shall continue to have effect by virtue of this paragraph.

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#### Textual Amendments

**F2** Words substituted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), s. 4, [Sch. para. 9](#)

#### Marginal Citations

**M11** S. R. & O 1936/1088.

### *Speed limits*

- [<sup>F3</sup>14 (1) A direction in an order made under section 1 of the <sup>M12</sup>Road Traffic Act 1934 that a length of road is to be deemed to be, or not to be, a road in a built-up area, if—
- (a) by virtue of paragraph 10 of Schedule 8 to the 1967 Act it had effect as a direction that that length of road was to become, or (as the case may be) was to cease to be, a restricted road for the purposes of section 71 of that Act, and
  - (b) the direction continues so to have effect immediately before the commencement of this Act,
- shall have the like effect for the purposes of section 81 of this Act.
- (2) Any reference in any provision of an Act, or of any instrument (other than such an order as is mentioned in sub-paragraph (1) above) made under an enactment repealed by the <sup>M13</sup>Road Traffic Act 1960, to a road in a built-up area, if the provision is in force immediately before the commencement of this Act, shall be construed as a reference to a restricted road for the purposes of section 81 of this Act.]

#### Textual Amendments

**F3** Sch. 10 paras. 14–16 repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), ss. 128(1), 156(3), [Sch. 10 para. 4\(1\)](#), [Sch. 11](#)

#### Marginal Citations

**M12** 1934 c. 50(107:1).

**M13** 1960 c. 16(107:1).

- [<sup>F4</sup>15 Any limit of speed which was in force on 1st November 1962 by virtue of any direction, order or regulation given or made by an authority under section 19(2), 26 or 34 of the Road Traffic Act 1960, if—
- (a) by virtue of paragraph 12 of Schedule 8 to the 1967 Act it was deemed to have been imposed by an order made by that authority under section 74(1) of the 1967 Act, and
  - (b) it continues to be in force immediately before the commencement of this Act shall be deemed to have been imposed by an order made by that authority under section 84(1) of this Act and may be revoked or varied accordingly.]

#### Textual Amendments

**F4** Sch. 10 paras. 14–16 repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), ss. 128(1), 156(3), [Sch. 10 para. 4\(1\)](#), [Sch. 11](#)

- [<sup>F5</sup>16 (1) This paragraph applies to any road which—

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- (a) would have become a restricted road for the purposes of section 71 of the <sup>M14</sup>1967 Act on 1st November 1982 as a result of the repeal of section 72(2) of the 1967 Act by section 61 of the Transport Act 1982; but
  - (b) by reason of section 61(2) of that Act was taken to have ceased to be a restricted road before that day by virtue of a direction duly given under section 72(3) of the 1967 Act and still in force at the beginning of that day; and
  - (c) did not become a restricted road at any time between the beginning of that day and the commencement of this Act.
- (2) At the commencement of this Act, any road to which this paragraph applies shall be treated as if it were the subject of a direction duly given under section 82(1)(a) of this Act.
- (3) Nothing in sub-paragraph (2) above prevents a direction under section 82(2)(b) of this Act being given in respect of any road to which this paragraph applies.]

**Textual Amendments**

**F5** Sch. 10 paras. 14–16 repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), ss. 128(1), 156(3), Sch. 10 para. 4(1), [Sch. 11](#)

**Marginal Citations**

**M14** 1982 c. 49(107:1).

*Saving for agreements and incidental matters*

- 17 (1) The repeal of this Act by any enactment shall not affect any agreement which, immediately before the commencement of this Act, has effect in pursuance of the enactment, notwithstanding that the enactment is not re-enacted in this Act; and any provision conferring a power to determine disputes or other provision incidental to any such agreement which, immediately before the commencement of this Act, has effect in connection with the agreement shall continue to have effect notwithstanding the repeal.
- (2) Without prejudice to the operation of sub-paragraph (1) above in relation to any agreement under subsection (8) of section 34 of the <sup>M15</sup>Transport (London) Act 1969 (which relates to agreements consequential upon the transfer of traffic signs and related property and rights to the Greater London Council under subsection (6) of that section), the repeal by this Act of that section (and in particular of subsection (9)) shall not cause that council to be treated for the purposes of the <sup>M16</sup>Public Utilities Street Works Act 1950 as the highway authority for any highway for which they would not be the highway authority apart from any such transfer.
- (3) Sub-paragraphs (1) and (2) above shall have effect without prejudice to the operation of the preceding provisions of this Schedule, or of any provisions of the <sup>M17</sup>Interpretation Act 1978, in relation to an enactment repealed by this Act which is re-enacted in it, with or without modification.

**Marginal Citations**

**M15** 1969 c. 35(126).

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**M16** 1950 c. 39(59).  
**M17** 1978 c. 30(115:1).

*Offences relating to disabled persons' concessions*

- 18 The repeal by this Act of section 2 of the <sup>M18</sup>Disabled Persons Act 1981 shall not affect the operation of subsection (2) of that section (which precludes subsection (1) of that section from applying to offences committed before the commencement of that Act) in relation to offences committed before 27th October 1981.

**Marginal Citations**

**M18** 1981 c. 43(81:3).

*References to foot passengers in subordinate legislation*

- 19 For the purposes of the application of any provisions of the <sup>M19</sup>Interpretation Act 1978, or of paragraphs 2 to 5 of this Schedule, in relation to any subordinate legislation made, or having effect as if made, under any enactment consolidated by this Act, “foot passengers” shall be taken to have the same meaning as “pedestrians”; and any reference in any such subordinate legislation to foot passengers or to foot passenger traffic shall be construed accordingly.

**Marginal Citations**

**M19** 1978 c. 30(115:1).

*Statutory statement of facts*

- 20 (1) Sub-paragraph (2) below shall have effect until the coming into operation of paragraph 3 of Schedule 8 to this Act as if that sub-paragraph were contained in Part II of Schedule 8.
- (2) For the purposes of sections 107 to 109 of this Act, a statutory statement of facts is a statement which is in the prescribed form and which either—
- (a) states that the person furnishing it was the driver of the vehicle at the relevant time and is signed by him; or
  - (b) states that that person was not the driver of the vehicle at the relevant time, states the name and address at the time the statement is furnished of the person who was the driver of the vehicle at the relevant time and is signed both by the person furnishing it and by the person stated to be the driver of the vehicle at the relevant time.

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