



# Road Traffic Act 1991

## 1991 CHAPTER 40

### PART I

#### GENERAL

#### *Driving offences*

### 1 Offences of dangerous driving

For sections 1 and 2 of the Road Traffic Act 1988 there shall be substituted—

#### **“1 Causing death by dangerous driving**

A person who causes the death of another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.

#### **2 Dangerous driving**

A person who drives a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.

#### **2A Meaning of dangerous driving**

- (1) For the purposes of sections 1 and 2 above a person is to be regarded as driving dangerously if (and, subject to subsection (2) below, only if)—
- (a) the way he drives falls far below what would be expected of a competent and careful driver, and
  - (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

---

*Status: This is the original version (as it was originally enacted).*

---

- (2) A person is also to be regarded as driving dangerously for the purposes of sections 1 and 2 above if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.
- (3) In subsections (1) and (2) above “dangerous” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.
- (4) In determining for the purposes of subsection (2) above the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.”

## 2 Careless, and inconsiderate, driving

For section 3 of the Road Traffic Act 1988 there shall be substituted—

### “3 Careless, and inconsiderate, driving

If a person drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence.”

#### *Drink and drugs*

## 3 Causing death by careless driving when under influence of drink or drugs

Before section 4 of the Road Traffic Act 1988 there shall be inserted—

### “3A Causing death by careless driving when under influence of drink or drugs

- (1) If a person causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, and—
  - (a) he is, at the time when he is driving, unfit to drive through drink or drugs, or
  - (b) he has consumed so much alcohol that the proportion of it in his breath, blood or urine at that time exceeds the prescribed limit, or
  - (c) he is, within 18 hours after that time, required to provide a specimen in pursuance of section 7 of this Act, but without reasonable excuse fails to provide it,
 he is guilty of an offence.
- (2) For the purposes of this section a person shall be taken to be unfit to drive at any time when his ability to drive properly is impaired.
- (3) Subsection (1)(b) and (c) above shall not apply in relation to a person driving a mechanically propelled vehicle other than a motor vehicle.”

#### **4 Driving under influence of drink or drugs**

In section 4 of the Road Traffic Act 1988, in subsections (1), (2) and (3) for the words “motor vehicle” there shall be substituted the words “mechanically propelled vehicle”.

#### *Motoring events*

#### **5 Disapplication of sections 1 to 3 of the Road Traffic Act 1988 for authorised motoring events**

After section 13 of the Road Traffic Act 1988 there shall be inserted—

##### **“13A Disapplication of sections 1 to 3 for authorised motoring events**

- (1) A person shall not be guilty of an offence under sections 1, 2 or 3 of this Act by virtue of driving a vehicle in a public place other than a road if he shows that he was driving in accordance with an authorisation for a motoring event given under regulations made by the Secretary of State.
- (2) Regulations under this section may in particular—
  - (a) prescribe the persons by whom, and limit the circumstances in which and the places in respect of which, authorisations may be given under the regulations;
  - (b) specify conditions which must be included among those incorporated in authorisations;
  - (c) provide for authorisations to cease to have effect in prescribed circumstances;
  - (d) provide for the procedure to be followed, the particulars to be given, and the amount (or the persons who are to determine the amount) of any fees to be paid, in connection with applications for authorisations;
  - (e) make different provisions for different cases.”

#### *Danger to road-users*

#### **6 Causing danger to road-users**

Before section 23 of the Road Traffic Act 1988 there shall be inserted—

##### **“22A Causing danger to road-users**

- (1) A person is guilty of an offence if he intentionally and without lawful authority or reasonable cause—
  - (a) causes anything to be on or over a road, or
  - (b) interferes with a motor vehicle, trailer or cycle, or
  - (c) interferes (directly or indirectly) with traffic equipment,in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.
- (2) In subsection (1) above “dangerous” refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that subsection what would be

---

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

---

obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

- (3) In subsection (1) above “traffic equipment” means—
- (a) anything lawfully placed on or near a road by a highway authority;
  - (b) a traffic sign lawfully placed on or near a road by a person other than a highway authority;
  - (c) any fence, barrier or light lawfully placed on or near a road—
    - (i) in pursuance of section 174 of the Highways Act 1980, section 8 of the Public Utilities Street Works Act 1950 or section 65 of the New Roads and Street Works Act 1991 (which provide for guarding, lighting and signing in streets where works are undertaken), or
    - (ii) by a constable or a person acting under the instructions (whether general or specific) of a chief officer of police.
- (4) For the purposes of subsection (3) above anything placed on or near a road shall unless the contrary is proved be deemed to have been lawfully placed there.
- (5) In this section “road” does not include a footpath or bridleway.
- (6) This section does not extend to Scotland.”

### *Cycling*

## 7 **Cycling offences**

For section 28 of the Road Traffic Act 1988 there shall be substituted—

### **“28 Dangerous cycling**

- (1) A person who rides a cycle on a road dangerously is guilty of an offence.
- (2) For the purposes of subsection (1) above a person is to be regarded as riding dangerously if (and only if)—
- (a) the way he rides falls far below what would be expected of a competent and careful cyclist, and
  - (b) it would be obvious to a competent and careful cyclist that riding in that way would be dangerous.
- (3) In subsection (2) above “dangerous” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of that subsection what would be obvious to a competent and careful cyclist in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.”

## *Construction and use*

### **8 Construction and use of vehicles**

(1) At the beginning of Part II of the Road Traffic Act 1988 there shall be inserted—

*“Using vehicle in dangerous condition*

#### **40A Using vehicle in dangerous condition etc**

A person is guilty of an offence if he uses, or causes or permits another to use, a motor vehicle or trailer on a road when—

- (a) the condition of the motor vehicle or trailer, or of its accessories or equipment, or
- (b) the purpose for which it is used, or
- (c) the number of passengers carried by it, or the manner in which they are carried, or
- (d) the weight, position or distribution of its load, or the manner in which it is secured,

is such that the use of the motor vehicle or trailer involves a danger of injury to any person.”

(2) For section 42 of that Act there shall be substituted—

#### **“41A Breach of requirement as to brakes, steering-gear or tyres**

A person who—

- (a) contravenes or fails to comply with a construction and use requirement as to brakes, steering-gear or tyres, or
- (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

is guilty of an offence.

#### **41B Breach of requirement as to weight: goods and passenger vehicles**

(1) A person who—

- (a) contravenes or fails to comply with a construction and use requirement as to any description of weight applicable to—
  - (i) a goods vehicle, or
  - (ii) a motor vehicle or trailer adapted to carry more than eight passengers, or
- (b) uses on a road a vehicle which does not comply with such a requirement, or causes or permits a vehicle to be so used,

is guilty of an offence.

(2) In any proceedings for an offence under this section in which there is alleged a contravention of or failure to comply with a construction and use requirement as to any description of weight applicable to a goods vehicle, it shall be a defence to prove either—

---

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

---

- (a) that at the time when the vehicle was being used on the road—
  - (i) it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed, or
  - (ii) it was proceeding from a weighbridge after being weighed to the nearest point at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road, or
- (b) in a case where the limit of that weight was not exceeded by more than 5 per cent.—
  - (i) that that limit was not exceeded at the time when the loading of the vehicle was originally completed, and
  - (ii) that since that time no person has made any addition to the load.

#### **42 Breach of other construction and use requirements**

A person who—

- (a) contravenes or fails to comply with any construction or use requirement other than one within section 41A(a) or 41B(1)(a) of this Act, or
- (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

is guilty of an offence.”

### **9 Vehicle examiners**

- (1) Section 7 of the Public Passenger Vehicles Act 1981 and section 68(1) and (2) of the Road Traffic Act 1988 (which provide for the appointment of certifying officers, public service vehicle examiners and examiners of goods vehicles) shall cease to have effect, and after section 66 of the Road Traffic Act 1988 there shall be inserted—

*“Vehicle examiners*

#### **66A Appointment of examiners**

- (1) The Secretary of State shall appoint such examiners as he considers necessary for the purpose of carrying out the functions conferred on them by this Part of this Act, the Public Passenger Vehicles Act 1981, the Transport Act 1968 and any other enactment.
  - (2) An examiner appointed under this section shall act under the general directions of the Secretary of State.
  - (3) In this Part of this Act “vehicle examiner” means an examiner appointed under this section.”
- (2) Any reference in any Act, or in any instrument made under any Act, to a certifying officer or public service vehicle examiner appointed under the Public Passenger Vehicles Act 1981 or to an examiner appointed under section 68(1) of the Road

Traffic Act 1988 shall, so far as may be appropriate in consequence of the preceding provisions of this section, be construed as a reference to an examiner appointed under section 66A of the Road Traffic Act 1988.

## **10 Testing vehicles on roads**

- (1) Section 67 of the Road Traffic Act 1988 (tests on roads to ascertain compliance with certain requirements) shall be amended as follows.
- (2) In subsection (1) for paragraph (a) there shall be substituted—
  - “(a) ascertaining whether the following requirements, namely—
    - (i) the construction and use requirements, and
    - (ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person,are complied with as respects the vehicle;”.
- (3) For subsection (2) there shall be substituted—
  - “(2) For the purpose of testing a vehicle under this section the examiner—
    - (a) may require the driver to comply with his reasonable instructions, and
    - (b) may drive the vehicle.”
- (4) In subsection (4)(b) for “68(1)” there shall be substituted “66A”.
- (5) In subsection (4)(e) for the words “under instructions of the” there shall be substituted the words “on behalf of a”.

## **11 Inspection of vehicles**

Subsections (1) to (2) of section 8 of the Public Passenger Vehicles Act 1981 (inspection of public service vehicles) shall cease to have effect, and for section 68 of the Road Traffic Act 1988 (inspection of goods vehicles) there shall be substituted—

*“Inspection of public passenger vehicles and goods vehicles*

### **68 Inspection of public passenger vehicles and goods vehicles**

- (1) A vehicle examiner—
  - (a) may at any time, on production if so required of his authority, inspect any vehicle to which this section applies and for that purpose detain the vehicle during such time as is required for the inspection, and
  - (b) may at any time which is reasonable having regard to the circumstances of the case enter any premises on which he has reason to believe that such a vehicle is kept.
- (2) The power conferred by subsection (1) above to inspect a vehicle includes power to test it and to drive it for the purpose of testing it.
- (3) A person who intentionally obstructs an examiner in the exercise of his powers under subsection (1) above is guilty of an offence.

---

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

---

- (4) A vehicle examiner or a constable in uniform may at any time require any person in charge of a vehicle to which this section applies and which is stationary on a road to proceed with the vehicle for the purpose of having it inspected under this section to any place where an inspection can be suitably carried out (not being more than five miles from the place where the requirement is made).
- (5) A person in charge of a vehicle who refuses or neglects to comply with a requirement made under subsection (4) above is guilty of an offence.
- (6) This section applies to—
- (a) goods vehicles,
  - (b) public service vehicles, and
  - (c) motor vehicles which are not public service vehicles but are adapted to carry more than eight passengers;
- but subsection (1)(b) above shall not apply in relation to vehicles within paragraph (c) above or in relation to vehicles used to carry passengers for hire or reward only under permits granted under section 19 or 22 of the Transport Act 1985 (use of vehicles by educational and other bodies or in providing community bus services).”

## 12 Power to prohibit driving of unfit vehicles

Section 9 of the Public Passenger Vehicles Act 1981 (unfit public service vehicles) shall cease to have effect, and for section 69 of the Road Traffic Act 1988 (unfit goods vehicles) there shall be substituted—

### *“Prohibition of unfit vehicles*

#### **69 Power to prohibit driving of unfit vehicles**

- (1) If on any inspection of a vehicle under section 41, 45, 49, 61, 67, 68 or 77 of this Act it appears to a vehicle examiner that owing to any defects in the vehicle it is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road—
  - (a) absolutely, or
  - (b) for one or more specified purposes, or
  - (c) except for one or more specified purposes.
- (2) If on any inspection of a vehicle under any of the enactments mentioned in subsection (1) above it appears to an authorised constable that owing to any defects in the vehicle driving it (or driving it for any particular purpose or purposes or for any except one or more particular purposes) would involve a danger of injury to any person, he may prohibit the driving of the vehicle on a road—
  - (a) absolutely, or
  - (b) for one or more specified purposes, or
  - (c) except for one or more specified purposes.
- (3) A prohibition under this section shall come into force as soon as the notice under subsection (6) below has been given if—



---

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

---

- (a) it is imposed by an authorised constable, or
  - (b) in the opinion of the vehicle examiner imposing it the defects in the vehicle in question are such that driving it, or driving it for any purpose within the prohibition, would involve a danger of injury to any person.
- (4) Except where subsection (3) applies, a prohibition under this section shall (unless previously removed under section 72 of this Act) come into force at such time not later than ten days from the date of the inspection as seems appropriate to the vehicle examiner imposing the prohibition, having regard to all the circumstances.
- (5) A prohibition under this section shall continue in force until it is removed under section 72 of this Act.
- (6) A person imposing a prohibition under this section shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection—
  - (a) specifying the defects which occasioned the prohibition;
  - (b) stating whether the prohibition is on all driving of the vehicle or driving it for one or more specified purposes or driving it except for one or more specified purposes (and, where applicable, specifying the purpose or purposes in question); and
  - (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.
- (7) Where a notice has been given under subsection (6) above, any vehicle examiner or authorised constable may grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose as may be specified in the exemption.
- (8) Where such a notice has been given, any vehicle examiner or authorised constable may by endorsement on the notice vary its terms and, in particular, alter the time at which the prohibition is to come into force or suspend it if it has come into force.
- (9) In this section “authorised constable” means a constable authorised to act for the purposes of this section by or on behalf of a chief officer of police.

### **69A Prohibitions conditional on inspection etc**

- (1) Where it appears to the person imposing a prohibition under section 69 of this Act that the vehicle is adapted to carry more than eight passengers, or is a public service vehicle not so adapted, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official PSV testing station within the meaning of the Public Passenger Vehicles Act 1981.
- (2) Where it appears to that person that the vehicle is of a class to which regulations under section 49 of this Act apply, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official testing station.
- (3) Where it appears to that person that the vehicle is one to which section 47 of this Act applies, or would apply if the vehicle had been registered under the

---

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

---

Vehicles (Excise) Act 1971 more than three years earlier, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected, and a test certificate issued, under section 45 of this Act.

- (4) In any other case, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected in accordance with regulations under section 72 of this Act by a vehicle examiner or authorised constable (within the meaning of section 69 of this Act).”

### **13 Power to prohibit driving of overloaded vehicles**

- (1) Section 70 of the Road Traffic Act 1988 shall be amended as follows.
- (2) In subsection (1)—
- (a) after the words “where a goods vehicle” there shall be inserted the words “, or a motor vehicle adapted to carry more than eight passengers,”;
  - (b) for the words “a goods vehicle examiner” there shall be substituted the words “a vehicle examiner”;
  - (c) at the end there shall be added the words “or that by reason of excessive overall weight or excessive axle weight on any axle driving the vehicle would involve a danger of injury to any person”.
- (3) In subsection (2)—
- (a) for “69(2)” there shall be substituted “69(6)”;
  - (b) after the words “that limit” there shall be inserted the words “or, as the case may be, so that it is no longer excessive”.
- (4) In subsection (4), for the words “a goods vehicle examiner” there shall be substituted the words “a vehicle examiner”.

### **14 Unfit and overloaded vehicles: offences**

For section 71 of the Road Traffic Act 1988 there shall be substituted—

#### **“71 Unfit and overloaded vehicles: offences**

- (1) A person who—
- (a) drives a vehicle in contravention of a prohibition under section 69 or 70 of this Act, or
  - (b) causes or permits a vehicle to be driven in contravention of such a prohibition, or
  - (c) fails to comply within a reasonable time with a direction under section 70(3) of this Act,
- is guilty of an offence.
- (2) The Secretary of State may by regulations provide for exceptions from subsection (1) above.”

### **15 Removal of prohibitions**

- (1) For section 72 of the Road Traffic Act 1988 there shall be substituted—

## **“72 Removal of prohibitions**

- (1) Subject to the following provisions of this section, a prohibition under section 69 or 70 of this Act may be removed by any vehicle examiner or authorised constable if he is satisfied that the vehicle is fit for service.
- (2) If the prohibition has been imposed with a direction under section 69A(1) or (2) of this Act, the prohibition shall not be removed unless and until the vehicle has been inspected in accordance with the direction.
- (3) If the prohibition has been imposed with a direction under section 69A(3) of this Act, subsection (1) above shall not apply; but the prohibition shall be removed, by such person as may be prescribed, if (and only if) any prescribed requirements relating to the inspection of the vehicle and the issue and production of a test certificate have been complied with.
- (4) If the prohibition has been imposed with a direction under section 69A(4) of this Act, the prohibition shall not be removed unless and until any prescribed requirements relating to the inspection of the vehicle have been complied with.
- (5) A person aggrieved by the refusal of a vehicle examiner or authorised constable to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Secretary of State.
- (6) The Secretary of State may make such order on the appeal as he thinks fit.
- (7) Where a vehicle examiner or authorised constable removes a prohibition, he must forthwith give notice of the removal to the owner of the vehicle.
- (8) The Secretary of State may require the payment of fees, in accordance with prescribed scales and rates, for the inspection of a vehicle with a view to the removal of a prohibition; and—
  - (a) payment of fees may be required to be made in advance, and
  - (b) the Secretary of State must ensure that all the scales and rates prescribed for the purposes of this subsection are reasonably comparable with—
    - (i) in the case of goods vehicles, the fees charged by virtue of section 51(1)(h) in respect of periodic examination, and
    - (ii) in the case of other vehicles, the fees charged by virtue of section 46(c).
- (9) The Secretary of State may make regulations for prescribing anything which may be prescribed under this section and for regulating the procedure, and fees payable, on appeals to him under subsection (5) above.
- (10) In this section “authorised constable” means a constable authorised to act for the purposes of this section by or on behalf of a chief officer of police.

## **72A Official testing stations**

The Secretary of State may provide and maintain stations (in this Part of this Act referred to as “official testing stations”) where inspections of goods vehicles for the purposes of section 72 may be carried out and may provide and maintain the apparatus for carrying out such inspections.”

---

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

---

## 16 Supply of unroadworthy vehicles etc

- (1) Section 75 of the Road Traffic Act 1988 (vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy) shall be amended as follows.
- (2) In subsection (3), sub-paragraph (iii) of paragraph (a) shall be omitted and for paragraph (b) there shall be substituted—
  - “(b) it is in such a condition that its use on a road would involve a danger of injury to any person”.
- (3) In subsection (4), after the words “that condition” there shall be inserted—
  - “(a),
  - and
  - at
  - the
  - end
  - there
  - shall
  - be
  - added
  - the
  - words

“or

  - (b) would involve a danger of injury to any person.”
- (4) In subsection (6), paragraph (c) shall be omitted.
- (5) After subsection (6) there shall be inserted—
  - “(6A) Paragraph (b) of subsection (6) above shall not apply in relation to a person who, in the course of a trade or business—
    - (a) exposes a vehicle or trailer for sale, unless he also proves that he took all reasonable steps to ensure that any prospective purchaser would be aware that its use in its current condition on a road in Great Britain would be unlawful, or
    - (b) offers to sell a vehicle or trailer, unless he also proves that he took all reasonable steps to ensure that the person to whom the offer was made was aware of that fact.”

### *Licensing of drivers*

## 17 Requirement of licence

- (1) In subsection (1) of section 87 of the Road Traffic Act 1988 (offence for person to drive if he is not the holder of a licence) for the words “if he is not the holder of” there shall be substituted the words “otherwise than in accordance with”.
- (2) In subsection (2) of that section (offence to allow a person to drive if he does not hold a licence) for the words “if that other person is not the holder of a licence authorising him” there shall be substituted the words “otherwise than in accordance with a licence authorising that other person”.

- (3) Sections 97(7) and 98(5) of the Road Traffic Act 1988 (which make it an offence to fail to comply with the conditions of certain licences) shall cease to have effect.

## **18 Physical fitness**

- (1) In section 92 of the Road Traffic Act 1988 (physical fitness of drivers) at the end there shall be added—

“(10) A person who holds a licence authorising him to drive a motor vehicle of any class and who drives a motor vehicle of that class on a road is guilty of an offence if the declaration included in accordance with subsection (1) above in the application on which the licence was granted was one which he knew to be false.”

- (2) In section 94 of that Act (provision of information about disabilities) after subsection (3) there shall be inserted—

“(3A) A person who holds a licence authorising him to drive a motor vehicle of any class and who drives a motor vehicle of that class on a road is guilty of an offence if at any earlier time while the licence was in force he was required by subsection (1) above to notify the Secretary of State but has failed without reasonable excuse to do so.”

- (3) After section 94 of that Act there shall be inserted—

### **“94A Driving after refusal or revocation of licence**

- (1) A person who drives a motor vehicle of any class on a road otherwise than in accordance with a licence authorising him to drive a motor vehicle of that class is guilty of an offence if—

- (a) at any earlier time the Secretary of State has in accordance with section 92(3) of this Act refused to grant such a licence, or has under section 93(1) or (2) revoked such a licence, and  
(b) he has not since that earlier time held such a licence.

- (2) Section 88 of this Act shall apply in relation to subsection (1) above as it applies in relation to section 87.”

## **19 Effects of disqualification.**

For section 103 of the Road Traffic Act 1988 there shall be substituted—

### *“Effects of disqualification*

#### **103 Obtaining licence, or driving, while disqualified**

- (1) A person is guilty of an offence if, while disqualified for holding or obtaining a licence, he—
- (a) obtains a licence, or  
(b) drives a motor vehicle on a road.

---

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

---

- (2) A licence obtained by a person who is disqualified is of no effect (or, where the disqualification relates only to vehicles of a particular class, is of no effect in relation to vehicles of that class).
- (3) A constable in uniform may arrest without warrant any person driving a motor vehicle on a road whom he has reasonable cause to suspect of being disqualified.
- (4) Subsections (1) and (3) above do not apply in relation to disqualification by virtue of section 101 of this Act.
- (5) Subsections (1)(b) and (3) above do not apply in relation to disqualification by virtue of section 102 of this Act.
- (6) In the application of subsections (1) and (3) above to a person whose disqualification is limited to the driving of motor vehicles of a particular class by virtue of—
  - (a) section 102 or 117 of this Act, or
  - (b) subsection (9) of section 36 of the Road Traffic Offenders Act 1988 (disqualification until test is passed),
 the references to disqualification for holding or obtaining a licence and driving motor vehicles are references to disqualification for holding or obtaining a licence to drive and driving motor vehicles of that class.”

### *Insurance*

## **20 Exception from requirement of third-party insurance**

- (1) Section 144 of the Road Traffic Act 1988 shall be amended as follows.
- (2) In subsection (1) (which removes the requirement for third-party insurance or security where £15,000 is kept deposited with the Accountant General of the Supreme Court) for “£15,000” there shall be substituted “£500,000”.
- (3) After subsection (1) there shall be inserted—
  - “(1A) The Secretary of State may by order made by statutory instrument substitute a greater sum for the sum for the time being specified in subsection (1) above.
  - (1B) No order shall be made under subsection (1A) above unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

### *Information*

## **21 Information as to identity of driver etc**

For section 172 of the Road Traffic Act 1988 there shall be substituted—

### **“172 Duty to give information as to identity of driver etc in certain circumstances**

- (1) This section applies—
  - (a) to any offence under the preceding provisions of this Act except—

---

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

---

- (i) an offence under Part V, or
    - (ii) an offence under section 13, 16, 51(2), 61(4), 67(9), 68(4), 96 or 120,and to an offence under section 178 of this Act,
  - (b) to any offence under sections 25, 26 or 27 of the Road Traffic Offenders Act 1988,
  - (c) to any offence against any other enactment relating to the use of vehicles on roads, except an offence under paragraph 8 of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989, and
  - (d) to manslaughter, or in Scotland culpable homicide, by the driver of a motor vehicle.
- (2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies—
- (a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required to give by or on behalf of a chief officer of police, and
  - (b) any other person shall if required as stated above give any information which it is in his power to give and may lead to identification of the driver.
- (3) Subject to the following provisions, a person who fails to comply with a requirement under subsection (2) above shall be guilty of an offence.
- (4) A person shall not be guilty of an offence by virtue of paragraph (a) of subsection (2) above if he shows that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was.
- (5) Where a body corporate is guilty of an offence under this section and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.
- (6) Where the alleged offender is a body corporate, or in Scotland a partnership or an unincorporated association, or the proceedings are brought against him by virtue of subsection (5) above or subsection (11) below, subsection (4) above shall not apply unless, in addition to the matters there mentioned, the alleged offender shows that no record was kept of the persons who drove the vehicle and that the failure to keep a record was reasonable.
- (7) A requirement under subsection (2) may be made by written notice served by post; and where it is so made—
- (a) it shall have effect as a requirement to give the information within the period of 28 days beginning with the day on which the notice is served, and
  - (b) the person on whom the notice is served shall not be guilty of an offence under this section if he shows either that he gave the information as soon as reasonably practicable after the end of that period or that it has not been reasonably practicable for him to give it.

---

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

---

- (8) Where the person on whom a notice under subsection (7) above is to be served is a body corporate, the notice is duly served if it is served on the secretary or clerk of that body.
- (9) For the purposes of section 7 of the Interpretation Act 1978 as it applies for the purposes of this section the proper address of any person in relation to the service on him of a notice under subsection (7) above is—
- (a) in the case of the secretary or clerk of a body corporate, that of the registered or principal office of that body or (if the body corporate is the registered keeper of the vehicle concerned) the registered address, and
  - (b) in any other case, his last known address at the time of service.
- (10) In this section—
- “registered address”, in relation to the registered keeper of a vehicle, means the address recorded in the record kept under the Vehicles (Excise) Act 1971 with respect to that vehicle as being that person’s address, and
- “registered keeper”, in relation to a vehicle, means the person in whose name the vehicle is registered under that Act;
- and references to the driver of a vehicle include references to the rider of a cycle.
- (11) Where, in Scotland, an offence under this section is committed by a partnership or by an unincorporated association other than a partnership and is proved to have been committed with the consent or connivance or in consequence of the negligence of a partner in the partnership or, as the case may be, a person concerned in the management or control of the association, he (as well as the partnership or association) shall be guilty of the offence.”

### *Trial*

## **22 Amendment of Schedule 1 to the Road Traffic Offenders Act 1988.**

Schedule 1 to this Act, which amends Schedule 1 to the Road Traffic Offenders Act 1988 (procedural requirements applicable in relation to certain offences), shall have effect.

## **23 Speeding offences etc: admissibility of certain evidence**

For section 20 of the Road Traffic Offenders Act 1988 (admissibility of measurement of speed by radar) there shall be substituted—

### **“20 Speeding offences etc: admissibility of certain evidence**

- (1) Evidence (which in Scotland shall be sufficient evidence) of a fact relevant to proceedings for an offence to which this section applies may be given by the production of—
- (a) a record produced by a prescribed device, and
  - (b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a constable or by a person authorised by or on behalf of the chief officer of police for the police area in which the offence is alleged to have been committed;



but subject to the following provisions of this section.

- (2) This section applies to—
- (a) an offence under section 16 of the Road Traffic Regulation Act 1984 consisting in the contravention of a restriction on the speed of vehicles imposed under section 14 of that Act;
  - (b) an offence under subsection (4) of section 17 of that Act consisting in the contravention of a restriction on the speed of vehicles imposed under that section;
  - (c) an offence under section 88(7) of that Act (temporary minimum speed limits);
  - (d) an offence under section 89(1) of that Act (speeding offences generally);
  - (e) an offence under section 36(1) of the Road Traffic Act 1988 consisting in the failure to comply with an indication given by a light signal that vehicular traffic is not to proceed.
- (3) The Secretary of State may by order amend subsection (2) above by making additions to or deletions from the list of offences for the time being set out there; and an order under this subsection may make such transitional provision as appears to him to be necessary or expedient.
- (4) A record produced or measurement made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings for an offence to which this section applies unless—
- (a) the device is of a type approved by the Secretary of State, and
  - (b) any conditions subject to which the approval was given are satisfied.
- (5) Any approval given by the Secretary of State for the purposes of this section may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.
- (6) In proceedings for an offence to which this section applies, evidence (which in Scotland shall be sufficient evidence)—
- (a) of a measurement made by a device, or of the circumstances in which it was made, or
  - (b) that a device was of a type approved for the purposes of this section, or that any conditions subject to which an approval was given were satisfied,
- may be given by the production of a document which is signed as mentioned in subsection (1) above and which, as the case may be, gives particulars of the measurement or of the circumstances in which it was made, or states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.
- (7) For the purposes of this section a document purporting to be a record of the kind mentioned in subsection (1) above, or to be a certificate or other document signed as mentioned in that subsection or in subsection (6) above, shall be deemed to be such a record, or to be so signed, unless the contrary is proved.
- (8) Nothing in subsection (1) or (6) above makes a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than

---

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

---

seven days before the hearing or trial, been served on the person charged with the offence; and nothing in those subsections makes a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the prosecutor requiring attendance at the hearing or trial of the person who signed the document.

- (9) In this section “prescribed device” means device of a description specified in an order made by the Secretary of State.
- (10) The powers to make orders under subsections (3) and (9) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

## 24 Alternative verdicts

For section 24 of the Road Traffic Offenders Act 1988 there shall be substituted—

### “24 Alternative verdicts: general

- (1) Where—
- (a) a person charged with an offence under a provision of the Road Traffic Act 1988 specified in the first column of the Table below (where the general nature of the offences is also indicated) is found not guilty of that offence, but
  - (b) the allegations in the indictment or information (or in Scotland complaint) amount to or include an allegation of an offence under one or more of the provisions specified in the corresponding entry in the second column,
- he may be convicted of that offence or of one or more of those offences.

Section 1 (causing death by dangerous driving)	Section 2 (dangerous driving)Section 3 (careless, and inconsiderate, driving)
Section 2 (dangerous driving)	Section 3 (careless, and inconsiderate, driving)
Section 3A (causing death by careless driving when under influence of drink or drugs)	Section 3 (careless, and inconsiderate, driving)Section 4(1) (driving when unfit to drive through drink or drugs)Section 5(1)(a) (driving with excess alcohol in breath, blood or urine)Section 7(6) (failing to provide specimen)
Section 4(1) (driving or attempting to drive when unfit to drive through drink or drugs)	Section 4(2) (being in charge of a vehicle when unfit to drive through drink or drugs)
Section 5(1)(a) (driving or attempting to drive with excess alcohol in breath, blood or urine)	Section 5(1)(b) (being in charge of a vehicle with excess alcohol in breath, blood or urine)
Section 28 (dangerous cycling)	Section 29 (careless, and inconsiderate, cycling)

---

- (2) Where the offence with which a person is charged is an offence under section 3A of the Road Traffic Act 1988, subsection (1) above shall not authorise his conviction of any offence of attempting to drive.
- (3) Where a person is charged with having committed an offence under section 4(1) or 5(1)(a) of the Road Traffic Act 1988 by driving a vehicle, he may be convicted of having committed an offence under the provision in question by attempting to drive.
- (4) Where by virtue of this section a person is convicted before the Crown Court of an offence triable only summarily, the court shall have the same powers and duties as a magistrates' court would have had on convicting him of that offence.
- (5) Where, in Scotland, by virtue of this section a person is convicted under solemn procedure of an offence triable only summarily, the penalty imposed shall not exceed that which would have been competent on a conviction under summary procedure.
- (6) This section has effect without prejudice to section 6(3) of the Criminal Law Act 1967 (alternative verdicts on trial on indictment), sections 61, 63, 64, 312 and 457A of the Criminal Procedure (Scotland) Act 1975 and section 23 of this Act.”

## 25 Interim disqualification

For section 26 of the Road Traffic Offenders Act 1988 (interim disqualification on committal for sentence in England and Wales) there shall be substituted—

### “26 Interim disqualification

- (1) Where a magistrates' court—
  - (a) commits an offender to the Crown Court under subsection (1) of section 56 of the Criminal Justice Act 1967, or any enactment to which that section applies, or
  - (b) remits an offender to another magistrates' court under section 39 of the Magistrates' Courts Act 1980,to be dealt with for an offence involving obligatory or discretionary disqualification, it may order him to be disqualified until he has been dealt with in respect of the offence.
- (2) Where a court in England and Wales—
  - (a) defers passing sentence on an offender under section 1 of the Powers of Criminal Courts Act 1973 in respect of an offence involving obligatory or discretionary disqualification, or
  - (b) adjourns after convicting an offender of such an offence but before dealing with him for the offence,it may order the offender to be disqualified until he has been dealt with in respect of the offence.
- (3) Where a court in Scotland—

---

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

---

- (a) adjourns a case under section 179 or section 380 of the Criminal Procedure (Scotland) Act 1975 (for inquiries to be made or to determine the most suitable method of dealing with the offender);
- (b) remands a person in custody or on bail under section 180 or section 381 of the Criminal Procedure (Scotland) Act 1975 (to enable a medical examination and report to be made);
- (c) defers sentence under section 219 or section 432 of the Criminal Procedure (Scotland) Act 1975;
- (d) remits a convicted person to the High Court for sentence under section 104 of the Criminal Procedure (Scotland) Act 1975,

in respect of an offence involving obligatory or discretionary disqualification, it may order the accused to be disqualified until he has been dealt with in respect of the offence.

- (4) Subject to subsection (5) below, an order under this section shall cease to have effect at the end of the period of six months beginning with the day on which it is made, if it has not ceased to have effect before that time.
- (5) In Scotland, where a person is disqualified under this section where section 219 or section 432 of the Criminal Procedure (Scotland) Act 1975 (deferred sentence) applies and the period of deferral exceeds 6 months, subsection (4) above shall not prevent the imposition under this section of any period of disqualification which does not exceed the period of deferral.
- (6) Where a court orders a person to be disqualified under this section (“the first order”), no court shall make a further order under this section in respect of the same offence or any offence in respect of which an order could have been made under this section at the time the first order was made.
- (7) Where a court makes an order under this section in respect of any person it must—
  - (a) require him to produce to the court any licence held by him and its counterpart, and
  - (b) retain the licence and counterpart until it deals with him or (as the case may be) cause them to be sent to the clerk of the court which is to deal with him.
- (8) If the holder of the licence has not caused it and its counterpart to be delivered, or has not posted them, in accordance with section 7 of this Act and does not produce the licence and counterpart as required under subsection (7) above, then he is guilty of an offence.
- (9) Subsection (8) above does not apply to a person who—
  - (a) satisfies the court that he has applied for a new licence and has not received it, or
  - (b) surrenders to the court a current receipt for his licence and its counterpart issued under section 56 of this Act, and produces the licence and counterpart to the court immediately on their return.
- (10) Where a court makes an order under this section in respect of any person, sections 44(1) and 47(2) of this Act and section 109(3) of the Road Traffic Act 1988 (Northern Ireland drivers' licences) shall not apply in relation to the order, but—

- (a) the court must send notice of the order to the Secretary of State, and
  - (b) if the court which deals with the offender determines not to order him to be disqualified under section 34 or 35 of this Act, it must send notice of the determination to the Secretary of State.
- (11) A notice sent by a court to the Secretary of State in pursuance of subsection (10) above must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.
- (12) Where on any occasion a court deals with an offender—
- (a) for an offence in respect of which an order was made under this section, or
  - (b) for two or more offences in respect of any of which such an order was made,
- any period of disqualification which is on that occasion imposed under section 34 or 35 of this Act shall be treated as reduced by any period during which he was disqualified by reason only of an order made under this section in respect of any of those offences.
- (13) Any reference in this or any other Act (including any Act passed after this Act) to the length of a period of disqualification shall, unless the context otherwise requires, be construed as a reference to its length before any reduction under this section.
- (14) In relation to licences which came into force before 1st June 1990, the references in this section to counterparts of licences shall be disregarded.”

### *Penalties*

## **26 Amendment of Schedule 2 to the Road Traffic Offenders Act 1988**

Schedule 2 to this Act, which amends Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences), shall have effect.

## **27 Penalty points to be attributed to offences**

For section 28 of the Road Traffic Offenders Act 1988 there shall be substituted—

### **“28 Penalty points to be attributed to an offence**

- (1) Where a person is convicted of an offence involving obligatory endorsement, then, subject to the following provisions of this section, the number of penalty points to be attributed to the offence is—
  - (a) the number shown in relation to the offence in the last column of Part I or Part II of Schedule 2 to this Act, or
  - (b) where a range of numbers is shown, a number within that range.
- (2) Where a person is convicted of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of, an offence involving obligatory disqualification, then, subject to the following provisions of this section, the number of penalty points to be attributed to the offence is ten.

---

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

---

- (3) Where both a range of numbers and a number followed by the words “(fixed penalty)” is shown in the last column of Part I of Schedule 2 to this Act in relation to an offence, that number is the number of penalty points to be attributed to the offence for the purposes of sections 57(5) and 77(5) of this Act; and, where only a range of numbers is shown there, the lowest number in the range is the number of penalty points to be attributed to the offence for those purposes.
- (4) Where a person is convicted (whether on the same occasion or not) of two or more offences committed on the same occasion and involving obligatory endorsement, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them (so that if the convictions are on different occasions the number of penalty points to be attributed to the offences on the later occasion or occasions shall be restricted accordingly).
- (5) In a case where (apart from this subsection) subsection (4) above would apply to two or more offences, the court may if it thinks fit determine that that subsection shall not apply to the offences (or, where three or more offences are concerned, to any one or more of them).
- (6) Where a court makes such a determination it shall state its reasons in open court and, if it is a magistrates' court, or in Scotland a court of summary jurisdiction, shall cause them to be entered in the register (in Scotland, record) of its proceedings.
- (7) The Secretary of State may by order made by statutory instrument—
  - (a) alter a number or range of numbers shown in relation to an offence in the last column of Part I or Part II of Schedule 2 to this Act (by substituting one number or range for another, a number for a range, or a range for a number),
  - (b) where a range of numbers is shown in relation to an offence in the last column of Part I, add or delete a number together with the words “(fixed penalty)”, and
  - (c) alter the number of penalty points shown in subsection (2) above;and an order under this subsection may provide for different numbers or ranges of numbers to be shown in relation to the same offence committed in different circumstances.
- (8) Where the Secretary of State exercises his power under subsection (7) above by substituting or adding a number which appears together with the words “(fixed penalty)”, that number shall not exceed the lowest number in the range shown in the same entry.
- (9) No order shall be made under subsection (7) above unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

## **28 Penalty points to be taken into account on conviction**

For section 29 of the Road Traffic Offenders Act 1988 there shall be substituted—

### **“29 Penalty points to be taken into account on conviction**

- (1) Where a person is convicted of an offence involving obligatory endorsement, the penalty points to be taken into account on that occasion are (subject to subsection (2) below)—
  - (a) any that are to be attributed to the offence or offences of which he is convicted, disregarding any offence in respect of which an order under section 34 of this Act is made, and
  - (b) any that were on a previous occasion ordered to be endorsed on the counterpart of any licence held by him, unless the offender has since that occasion and before the conviction been disqualified under section 35 of this Act.
- (2) If any of the offences was committed more than three years before another, the penalty points in respect of that offence shall not be added to those in respect of the other.
- (3) In relation to licences which came into force before 1st June 1990, the reference in subsection (1) above to the counterpart of a licence shall be construed as a reference to the licence itself.”

### **29 Disqualification for certain offences**

- (1) Section 34 of the Road Traffic Offenders Act 1988 (disqualification for certain offences) shall be amended as follows.
- (2) For subsection (2) there shall be substituted—

“(2) Where a person is convicted of an offence involving discretionary disqualification, and either—

  - (a) the penalty points to be taken into account on that occasion number fewer than twelve, or
  - (b) the offence is not one involving obligatory endorsement,

the court may order him to be disqualified for such period as the court thinks fit.”
- (3) In subsection (3) before paragraph (a) there shall be inserted—

“(aa) section 3A (causing death by careless driving when under the influence of drink or drugs),”.
- (4) For subsection (4) there shall be substituted—

“(4) Subject to subsection (3) above, subsection (1) above shall apply as if the reference to twelve months were a reference to two years—

  - (a) in relation to a person convicted of—
    - (i) manslaughter, or in Scotland culpable homicide, or
    - (ii) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving), or
    - (iii) an offence under section 3A of that Act (causing death by careless driving while under the influence of drink or drugs),and

---

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

---

- (b) in relation to a person on whom more than one disqualification for a fixed period of 56 days or more has been imposed within the three years immediately preceding the commission of the offence.
- (4A) For the purposes of subsection (4)(b) above there shall be disregarded any disqualification imposed under section 26 of this Act or section 44 of the Powers of Criminal Courts Act 1973 or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975 (offences committed by using vehicles) and any disqualification imposed in respect of an offence of stealing a motor vehicle, an offence under section 12 or 25 of the Theft Act 1968, an offence under section 178 of the Road Traffic Act 1988, or an attempt to commit such an offence.”

### **30 Courses for drink-drive offenders**

After section 34 of the Road Traffic Offenders Act 1988 there shall be inserted—

#### **“34A Reduced disqualification period for attendance on courses**

- (1) This section applies where—
  - (a) a person is convicted of an offence under section 3A (causing death by careless driving when under influence of drink or drugs), 4 (driving or being in charge when under influence of drink or drugs), 5 (driving or being in charge with excess alcohol) or 7 (failing to provide a specimen) of the Road Traffic Act 1988, and
  - (b) the court makes an order under section 34 of this Act disqualifying him for a period of not less than twelve months.
- (2) Where this section applies, the court may make an order that the period of disqualification imposed under section 34 shall be reduced if, by a date specified in the order under this section, the offender satisfactorily completes a course approved by the Secretary of State for the purposes of this section and specified in the order.
- (3) The reduction made by an order under this section in a period of disqualification imposed under section 34 shall be a period specified in the order of not less than three months and not more than one quarter of the unreduced period (and accordingly where the period imposed under section 34 is twelve months, the reduced period shall be nine months).
- (4) The court shall not make an order under this section unless—
  - (a) it is satisfied that a place on the course specified in the order will be available for the offender,
  - (b) the offender appears to the court to be of or over the age of 17,
  - (c) the court has explained the effect of the order to the offender in ordinary language, and has informed him of the amount of the fees for the course and of the requirement that he must pay them before beginning the course, and
  - (d) the offender has agreed that the order should be made.
- (5) The date specified in an order under this section as the latest date for completion of a course must be at least two months before the last day of the period of disqualification as reduced by the order.



- (6) An order under this section shall name the petty sessions area (or in Scotland the sheriff court district or, where an order has been made under this section by a stipendiary magistrate, the commission area) in which the offender resides or will reside.

### **34B Certificates of completion of courses**

- (1) An offender shall be regarded for the purposes of section 34A of this Act as having completed a course satisfactorily if (and only if) a certificate that he has done so is received by the clerk of the supervising court before the end of the period of disqualification imposed under section 34.
- (2) If the certificate referred to in subsection (1) above is received by the clerk of the supervising court before the end of the period of disqualification imposed under section 34 but after the end of the period as it would have been reduced by the order, the order shall have effect as if the reduced period ended with the day on which the certificate is received by the clerk.
- (3) The certificate referred to in subsection (1) above shall be a certificate in such form, containing such particulars, and given by such person, as may be prescribed by, or determined in accordance with, regulations made by the Secretary of State.
- (4) A course organiser shall give the certificate mentioned in subsection (1) above to the offender not later than fourteen days after the date specified in the order as the latest date for completion of the course, unless the offender fails to make due payment of the fees for the course, fails to attend the course in accordance with the organiser's reasonable instructions, or fails to comply with any other reasonable requirements of the organiser.
- (5) Where a course organiser decides not to give the certificate mentioned in subsection (1) above, he shall give written notice of his decision to the offender as soon as possible, and in any event not later than fourteen days after the date specified in the order as the latest date for completion of the course.
- (6) An offender to whom a notice is given under subsection (5) above may, within such period as may be prescribed by rules of court, apply to the supervising court for a declaration that the course organiser's decision not to give a certificate was contrary to subsection (4) above; and if the court grants the application section 34A of this Act shall have effect as if the certificate had been duly received by the clerk of the court.
- (7) If fourteen days after the date specified in the order as the latest date for completion of the course the course organiser has given neither the certificate mentioned in subsection (1) above nor a notice under subsection (5) above, the offender may, within such period as may be prescribed by rules of court, apply to the supervising court for a declaration that the course organiser is in default; and if the court grants the application section 34A of this Act shall have effect as if the certificate had been duly received by the clerk of the court.
- (8) A notice under subsection (5) above shall specify the ground on which it is given, and the Secretary of State may by regulations make provision as to the form of notices under that subsection and as to the circumstances in which they are to be treated as given.

---

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

---

- (9) Where the clerk of a court receives a certificate of the kind referred to in subsection (1) above, or a court grants an application under subsection (6) or (7) above, the clerk or court must send notice of that fact to the Secretary of State; and the notice must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.

### **34C Provisions supplementary to sections 34A and 34B**

- (1) The Secretary of State may issue guidance to course organisers, or to any category of course organiser as to the conduct of courses approved for the purposes of section 34A of this Act; and—
- (a) course organisers shall have regard to any guidance given to them under this subsection, and
  - (b) in determining for the purposes of section 34B(6) whether any instructions or requirements of an organiser were reasonable, a court shall have regard to any guidance given to him under this subsection.
- (2) In sections 34A and 34B and this section—
- “course organiser”, in relation to a course, means the person who, in accordance with regulations made by the Secretary of State, is responsible for giving the certificates mentioned in section 34B(1) in respect of the completion of the course;
- “petty sessions area” has the same meaning as in the Magistrates' Courts Act 1980;
- “supervising court”, in relation to an order under section 34A, means—
- (a) in England and Wales, a magistrates' court acting for the petty sessions area named in the order as the area where the offender resides or will reside;
  - (b) in Scotland, the sheriff court for the district where the offender resides or will reside or, where the order is made by a stipendiary magistrate and the offender resides or will reside within his commission area, the district court for that area,
- and any reference to the clerk of a magistrates' court is a reference to the clerk to the justices for the petty sessions area for which the court acts.
- (3) Any power to make regulations under section 34B or this section—
- (a) includes power to make different provision for different cases, and to make such incidental or supplemental provision as appears to the Secretary of State to be necessary or expedient;
  - (b) shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

## **31 Experimental period for section 30**

- (1) Subject to the following provisions, no order shall be made under section 34A of the Road Traffic Offenders Act 1988 after the end of 1997 or such later time as may be specified in an order made by the Secretary of State.
- (2) At any time before the restriction imposed by subsection (1) above has taken effect, the Secretary of State may by order provide that it shall not do so.

- (3) In this section “the experimental period” means the period beginning when section 30 above comes into force and ending—
- (a) when the restriction imposed by subsection (1) above takes effect, or
  - (b) if the Secretary of State makes an order under subsection (2) above, on a date specified in the order (being a date falling before the time when the restriction imposed by subsection (1) above would otherwise have taken effect).
- (4) During the experimental period—
- (a) no order shall be made under section 34A of the Road Traffic Offenders Act 1988 by virtue of a person’s conviction under section 3A of the Road Traffic Act 1988, and
  - (b) no order shall be made under section 34A of the Road Traffic Offenders Act 1988 except by a magistrates' court acting for a petty sessions area (or in Scotland, a sheriff court for a district or a stipendiary magistrate for a commission area) which is for the time being designated for the purposes of this section.
- (5) In relation to orders made under section 34A during the experimental period, that section shall have effect with the omission of subsection (6) and section 34B shall have effect as if references to the supervising court were references to the court which made the order.
- (6) The power to designate an area or district for the purposes of this section shall be exercisable by the Secretary of State by order, and includes power to revoke any designation previously made.
- (7) An order under subsection (6) above shall specify the period for which an area or district is designated, and may—
- (a) specify different periods for different areas or districts, and
  - (b) extend or abridge any period previously specified.
- (8) The power to make an order under subsection (1) above shall not be exercisable after the end of 1997, and no more than one order may be made under that subsection.
- (9) Any power of the Secretary of State to make orders under this section shall be exercisable by statutory instrument, and—
- (a) no order shall be made under subsection (1) or (2) above unless a draft of it has been laid before and approved by resolution of each House of Parliament, and
  - (b) any statutory instrument containing an order under subsection (6) above shall be subject to annulment in pursuance of a resolution of either House.

## **32 Disqualification until test is passed**

For section 36 of the Road Traffic Offenders Act 1988 there shall be substituted—

### **“36 Disqualification until test is passed**

- (1) Where this subsection applies to a person the court must order him to be disqualified until he passes the appropriate driving test.
- (2) Subsection (1) above applies to a person who is disqualified under section 34 of this Act on conviction of—

---

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

---

- (a) manslaughter, or in Scotland culpable homicide, by the driver of a motor vehicle, or
  - (b) an offence under section 1 (causing death by dangerous driving) or section 2 (dangerous driving) of the Road Traffic Act 1988.
- (3) Subsection (1) above also applies—
- (a) to a person who is disqualified under section 34 or 35 of this Act in such circumstances or for such period as the Secretary of State may by order prescribe, or
  - (b) to such other persons convicted of such offences involving obligatory endorsement as may be so prescribed.
- (4) Where a person to whom subsection (1) above does not apply is convicted of an offence involving obligatory endorsement, the court may order him to be disqualified until he passes the appropriate driving test (whether or not he has previously passed any test).
- (5) In this section—
- “appropriate driving test” means—
    - (a) an extended driving test, where a person is convicted of an offence involving obligatory disqualification or is disqualified under section 35 of this Act,
    - (b) a test of competence to drive, other than an extended driving test, in any other case,
  - “extended driving test” means a test of competence to drive prescribed for the purposes of this section, and
  - “test of competence to drive” means a test prescribed by virtue of section 89(3) of the Road Traffic Act 1988.
- (6) In determining whether to make an order under subsection (4) above, the court shall have regard to the safety of road users.
- (7) Where a person is disqualified until he passes the extended driving test—
- (a) any earlier order under this section shall cease to have effect, and
  - (b) a court shall not make a further order under this section while he is so disqualified.
- (8) Subject to subsection (9) below, a disqualification by virtue of an order under this section shall be deemed to have expired on production to the Secretary of State of evidence, in such form as may be prescribed by regulations under section 105 of the Road Traffic Act 1988, that the person disqualified has passed the test in question since the order was made.
- (9) A disqualification shall be deemed to have expired only in relation to vehicles of such classes as may be prescribed in relation to the test passed by regulations under that section.
- (10) Where there is issued to a person a licence on the counterpart of which are endorsed particulars of a disqualification under this section, there shall also be endorsed the particulars of any test of competence to drive that he has passed since the order of disqualification was made.

- (11) For the purposes of an order under this section, a person shall be treated as having passed a test of competence to drive other than an extended driving test if he passes a corresponding test conducted—
- (a) under the law of Northern Ireland, the Isle of Man, any of the Channel Islands, another member State, Gibraltar or a designated country or territory (as defined by section 89(11) of the Road Traffic Act 1988), or
  - (b) for the purposes of obtaining a British Forces licence (as defined by section 88(8) of that Act);
- and accordingly subsections (8) to (10) above shall apply in relation to such a test as they apply in relation to a test prescribed by virtue of section 89(3) of that Act.
- (12) This section is subject to section 48 of this Act.
- (13) The power to make an order under subsection (3) above shall be exercisable by statutory instrument; and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- (14) The Secretary of State shall not make an order under subsection (3) above after the end of 2001 if he has not previously made such an order.”

### **33 Short periods of disqualification**

In section 37 of the Road Traffic Offenders Act 1988 (effect of order of disqualification) after subsection (1) there shall be inserted—

“(1A) Where—

- (a) the disqualification is for a fixed period shorter than 56 days in respect of an offence involving obligatory endorsement, or
  - (b) the order is made under section 26 of this Act,
- subsection (1) above shall not prevent the licence from again having effect at the end of the period of disqualification.”

### **34 Conditional offer of fixed penalty**

For sections 75 to 77 of the Road Traffic Offenders Act 1988 (which relate to Scotland only) there shall be substituted—

*“Conditional offer of fixed penalty*

#### **75 Issue of conditional offer**

- (1) Where in England and Wales—
- (a) a constable has reason to believe that a fixed penalty offence has been committed, and
  - (b) no fixed penalty notice in respect of the offence has been given under section 54 of this Act or fixed to a vehicle under section 62 of this Act,
- a notice under this section may be sent to the alleged offender by or on behalf of the chief officer of police.
- (2) Where in Scotland a procurator fiscal receives a report that—

---

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

---

- (a) an offence specified in Schedule 3 to this Act has been committed,
- (b) an offence specified in Schedule 5 to this Act has been committed,
- (c) an offence referred to in paragraph (a) or (b) above has been committed, being an offence of causing or permitting a vehicle to be used by another person in contravention of any provision made or any restriction or prohibition imposed by or under any enactment, or
- (d) an offence of aiding, abetting, counselling, procuring or inciting the commission of an offence referred to in this subsection, has been committed,

he may send a notice under this section to the alleged offender.

- (3) Where in Scotland, a constable—
  - (a) on any occasion has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence, he may hand to that person,
  - (b) in any case has reason to believe that a fixed penalty offence has been committed, he or another person authorised in that respect by the chief constable may send to the alleged offender,
 

a notice under this section.
- (4) Subsections (2) and (3) above shall not apply where a fixed penalty notice has been fixed to a vehicle under section 62 of this Act.
- (5) A notice under this section is referred to in this section and sections 76 and 77 as a “conditional offer”.
- (6) Where a person issues a conditional offer, he must notify the justices' clerk, or in Scotland clerk of court, specified in it of its issue and its terms; and that clerk is referred to in this section and sections 76 and 77 as “the fixed penalty clerk”.
- (7) A conditional offer must—
  - (a) give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence,
  - (b) state the amount of the fixed penalty for that offence, and
  - (c) state that proceedings against the alleged offender cannot be commenced in respect of that offence until the end of the period of twenty-eight days following the date on which the conditional offer was issued or such longer period as may be specified in the conditional offer.
- (8) A conditional offer must indicate that if the following conditions are fulfilled, that is—
  - (a) within the period of twenty-eight days following the date on which the offer was issued, or such longer period as may be specified in the offer, the alleged offender—
    - (i) makes payment of the fixed penalty to the fixed penalty clerk, and
    - (ii) where the offence to which the offer relates is an offence involving obligatory endorsement, at the same time delivers his licence and its counterpart to that clerk, and

- (b) where his licence and its counterpart are so delivered, that clerk is satisfied on inspecting them that, if the alleged offender were convicted of the offence, he would not be liable to be disqualified under section 35 of this Act,  
any liability to conviction of the offence shall be discharged.
- (9) For the purposes of the condition set out in subsection (8)(b) above, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.
- (10) The Secretary of State may by order provide for offences to become or (as the case may be) to cease to be offences in respect of which a conditional offer may be sent under subsection (2)(b) above, and may make such modifications of the provisions of this Part of this Act as appear to him to be necessary for the purpose.
- (11) An offence committed by aiding, abetting, counselling, procuring or inciting the commission of an offence which is an offence involving obligatory endorsement is itself an offence involving obligatory endorsement for the purposes of the application of this Part of this Act in Scotland.
- (12) In relation to licences which came into force before 1st June 1990, the references in subsection (8) above to the counterpart of a licence shall be disregarded.

#### **76 Effect of offer and payment of penalty**

- (1) This section applies where a conditional offer has been sent to a person under section 75 of this Act.
- (2) No proceedings shall be brought against any person for the offence to which the conditional offer relates until—
- (a) in England and Wales, the chief officer of police, or
  - (b) in Scotland, the procurator fiscal or (where the conditional offer was issued under section 75(3) of this Act) the chief constable,
- receives notice in accordance with subsection (4) or (5) below.
- (3) Where the alleged offender makes payment of the fixed penalty in accordance with the conditional offer, no proceedings shall be brought against him for the offence to which the offer relates.
- (4) Where—
- (a) the alleged offender tenders payment in accordance with the conditional offer and delivers his licence and its counterpart to the fixed penalty clerk, but
  - (b) it appears to the clerk, on inspecting the licence and counterpart, that the alleged offender would be liable to be disqualified under section 35 of this Act if he were convicted of the offence to which the conditional offer relates,
- then subsection (3) above shall not apply and the clerk must return the licence and its counterpart to the alleged offender together with the payment and give

---

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

---

notice that he has done so to the person referred to in subsection (2)(a) or (b) above.

- (5) Where, on the expiry of the period of twenty-eight days following the date on which the conditional offer was made or such longer period as may be specified in the offer, the conditions specified in the offer in accordance with section 75(8)(a) of this Act have not been fulfilled, the fixed penalty clerk must notify the person referred to in subsection (2)(a) or (b) above.
- (6) In determining for the purposes of subsection (4)(b) above whether a person convicted of an offence would be liable to disqualification under section 35, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.
- (7) In any proceedings a certificate that by a date specified in the certificate payment of a fixed penalty was or was not received by the fixed penalty clerk shall, if the certificate purports to be signed by that clerk, be evidence, or in Scotland sufficient evidence, of the facts stated.
- (8) In relation to licences which came into force before 1st June 1990, the references in subsection (4) above to the counterpart of a licence shall be disregarded.
- (9) In Scotland, the Secretary of State may by regulations vary the provisions of subsection (2)(b) above.

### **77 Endorsement where penalty paid**

- (1) Where—
  - (a) in pursuance of a conditional offer a person (referred to in this section as the “licence holder”) makes payment of the fixed penalty to the fixed penalty clerk and delivers his licence and its counterpart to the clerk, and
  - (b) the clerk is not required by subsection (4) of section 76 of this Act to return the licence and its counterpart to him and did not, before the payment was tendered, notify the person referred to in section 76(2)(a) or (b) of this Act under subsection (5) of that section,

the clerk must forthwith endorse the relevant particulars on the counterpart of the licence and return it to the licence holder together with the licence.
- (2) Where it appears to a fixed penalty clerk in Scotland that there is an error in an endorsement made by virtue of this section on the counterpart of a licence he may amend the endorsement so as to correct the error; and the amended endorsement shall have effect and shall be treated for all purposes as if it had been correctly made on receipt of the fixed penalty.
- (3) Subject to subsection (4) below, where a cheque tendered in payment is subsequently dishonoured—
  - (a) any endorsement made by a clerk under subsection (1) above remains effective, notwithstanding that the licence holder is still liable to prosecution in respect of the alleged offence to which the endorsement relates, and



---

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

---

- (b) the clerk must, upon the expiry of the period specified in the conditional offer or, if the period has expired, forthwith notify the person referred to in section 76(2)(a) or (b) of this Act that no payment has been made.
- (4) When proceedings are brought against a licence holder after a notice has been given in pursuance of subsection (3)(b) above, the court—
  - (a) must order the removal of the fixed penalty endorsement from the counterpart of the licence, and
  - (b) may, on finding the licence holder guilty, make any competent order of endorsement or disqualification and pass any competent sentence.
- (5) The reference in subsection (1) above to the relevant particulars is to—
  - (a) particulars of the offence, including the date when it was committed, and
  - (b) the number of penalty points to be attributed to the offence.
- (6) The fixed penalty clerk must send notice to the Secretary of State—
  - (a) of any endorsement under subsection (1) above and of the particulars endorsed,
  - (b) of any amendment under subsection (2) above, and
  - (c) of any order under subsection (4)(a) above.
- (7) Where the counterpart of a person's licence is endorsed under this section he shall be treated for the purposes of sections 13(4), 28, 29 and 45 of this Act and of the Rehabilitation of Offenders Act 1974 as if—
  - (a) he had been convicted of the offence,
  - (b) the endorsement had been made in pursuance of an order made on his conviction by a court under section 44 of this Act, and
  - (c) the particulars of the offence endorsed by virtue of subsection (5)(a) above were particulars of his conviction of that offence.
- (8) In relation to any endorsement of the counterpart of a person's licence under this section—
  - (a) the reference in section 45(4) of this Act to the order for endorsement, and
  - (b) the references in section 13(4) of this Act to any order made on a person's conviction,are to be read as references to the endorsement itself.
- (9) In relation to licences which came into force before 1st June 1990, the references in this section to the counterpart of a licence shall be disregarded or, as the case may require, construed as references to the licence itself."

#### *Miscellaneous*

### **35 Disabled persons' badges**

- (1) Section 21 of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons) shall be amended in accordance with subsections (2) to (5) below.
- (2) For subsections (2) and (3) there shall be substituted—

---

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

---

- “(2) A badge may be issued to a disabled person of any prescribed description resident in the area of the issuing authority for one or more vehicles driven by him or used by him as a passenger.”
- (3) In subsection (4), the words “and any badge” onwards shall be omitted.
- (4) After subsection (4) there shall be inserted—
- “(4A) A badge issued under this section may be displayed only in such circumstances and in such manner as may be prescribed.
- (4B) A person who drives a motor vehicle on a road (within the meaning of the Road Traffic Act 1988) at a time when a badge of a form prescribed under this section is displayed on the vehicle is guilty of an offence unless the badge is issued under this section and displayed in accordance with regulations made under it.
- (4C) A person guilty of an offence under subsection (4B) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (5) In subsection (5), the words “and in the case” onwards shall be omitted.
- (6) In section 117 of the Road Traffic Regulation Act 1984 (wrongful use of disabled person’s badge) for subsections (1) and (2) there shall be substituted—
- “(1) A person who at any time acts in contravention of, or fails to comply with, any provision of an order under this Act relating to the parking of motor vehicles is also guilty of an offence under this section if at that time—
- (a) there was displayed on the motor vehicle in question a badge of a form prescribed under section 21 of the Chronically Sick and Disabled Persons Act 1970, and
- (b) he was using the vehicle in circumstances where a disabled person’s concession would be available to a disabled person’s vehicle,
- but he shall not be guilty of an offence under this section if the badge was issued under that section and displayed in accordance with regulations made under it.”

## **36 Forfeiture of vehicles**

In section 43 of the Powers of Criminal Courts Act 1973 (power to deprive offender of property used, or intended for use, for purposes of crime) after subsection (1A) there shall be inserted—

- “(1B) Where a person commits an offence to which this subsection applies by—
- (a) driving, attempting to drive, or being in charge of a vehicle, or
- (b) failing to comply with a requirement made under section 7 of the Road Traffic Act 1988 (failure to provide specimen for analysis or laboratory test) in the course of an investigation into whether the offender had committed an offence while driving, attempting to drive or being in charge of a vehicle, or
- (c) failing, as the driver of a vehicle, to comply with subsection (2) or (3) of section 170 of the Road Traffic Act 1988 (duty to stop and give information or report accident),

the vehicle shall be regarded for the purposes of subsection (1)(a) above (and subsection (4)(b) below) as used for the purpose of committing the offence (and for the purpose of committing any offence of aiding, abetting, counselling or procuring the commission of the offence).

(1C) Subsection (1B) above applies to—

- (a) an offence under the Road Traffic Act 1988 which is punishable with imprisonment,
- (b) an offence of manslaughter, and
- (c) an offence under section 35 of the Offences against the Person Act 1861 (wanton and furious driving)."

### **37 Forfeiture of vehicles: Scotland**

(1) In each of sections 223 and 436 of the Criminal Procedure (Scotland) Act 1975 (forfeiture of property) after subsection (1) there shall be inserted—

“(1A) Where a person commits an offence to which this subsection applies by—

- (a) driving, attempting to drive, or being in charge of a vehicle, or
- (b) failing to comply with a requirement made under section 7 of the Road Traffic Act 1988 (failure to provide specimen for analysis or laboratory test) in the course of an investigation into whether the offender had committed an offence while driving, attempting to drive or being in charge of a vehicle, or
- (c) failing, as the driver of a vehicle, to comply with subsections (2) or (3) of section 170 of the Road Traffic Act 1988 (duty to stop and give information or report accident),

the vehicle shall be regarded for the purposes of subsection (1)(a) above as used for the purpose of committing the offence.”

(2) In section 223 of that Act after subsection (1A) there shall be inserted—

“(1B) Subsection (1A) above applies to—

- (a) an offence under the Road Traffic Act 1988 which is punishable with imprisonment,
- (b) an offence of culpable homicide.”

(3) In section 436 of that Act after subsection (1A) there shall be inserted—

“(1B) Subsection (1A) above applies to an offence under the Road Traffic Act 1988 which is punishable with imprisonment.”

### **38 Disqualification where vehicle used for assault**

(1) Section 44 of the Powers of Criminal Courts Act 1973 (disqualification by Crown Court where vehicle used for purposes of crime) shall be amended as follows.

(2) After subsection (1) there shall be inserted—

“(1A) This section also applies where a person is convicted by or before any court of common assault or of any other offence involving an assault (including an offence of aiding, abetting, counselling or procuring, or inciting to the commission of, an offence).”

---

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

---

(3) In subsection (2) after the words “this section applies” there shall be inserted the words “by virtue of subsection (1) above”.

(4) After subsection (2) there shall be inserted—

“(2A) If in a case to which this section applies by virtue of subsection (1A) above the court is satisfied that the assault was committed by driving a motor vehicle, the court may order the person convicted to be disqualified, for such period as the court thinks fit, for holding or obtaining such a licence.”

### **39 Disqualification in Scotland where vehicle used to commit offence**

After each of sections 223 and 436 of the Criminal Procedure (Scotland) Act 1975 there shall be added sections numbered 223A and 436A in the following terms—

#### **“ . Disqualifica-tion in Scotland where vehicle used to commit offence**

- (1) Where a person is convicted of an offence (other than one triable only summarily) and the court which passes sentence is satisfied that a motor vehicle was used for the purpose of committing, or facilitating the commission of that offence, the court may order him to be disqualified for such period as the court thinks fit from holding or obtaining a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1988.
- (2) A court which makes an order under this section disqualifying a person from holding or obtaining a licence shall require him to produce any such licence held by him and its counterpart.
- (3) Any reference in this section to facilitating the commission of an offence shall include a reference to the taking of any steps after it has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection.
- (4) In relation to licences which came into force before 1st June 1990, the reference in subsection (2) above to the counterpart of a licence shall be disregarded.”

### **40 Power to install equipment for detection of traffic offences**

(1) In Part V of the Highways Act 1980 immediately before section 96 there shall be inserted—

#### **“95A Power to install equipment for detection of traffic offences**

A highway authority may install and maintain on or near a highway structures and equipment for the detection of traffic offences.”

(2) In Part IV of the Roads (Scotland) Act 1984 after section 49 there shall be inserted—

*“Equipment for detection of traffic offences*

**49A Power to install equipment for detection of traffic offences**

A roads authority may install and maintain on or near a road structures and equipment for the detection of traffic offences.”

**41 Variation of charges at off-street parking places**

After section 35B of the Road Traffic Regulation Act 1984 there shall be inserted—

**“35C Variation of charges at off-street parking places**

- (1) Where an order under section 35(1)(iii) of this Act makes provision as to the charges to be paid in connection with the use of off-street parking places, the authority making that order may vary those charges by notice given under this section.
- (2) The variation of any such charges by notice is not to be taken to prejudice any power to vary those charges by order under section 35 of this Act.
- (3) The Secretary of State may by regulations make provision as to the procedure to be followed by any local authority giving notice under this section.
- (4) The regulations may, in particular, make provision with respect to—
  - (a) the publication, where an authority propose to give notice, of details of their proposal;
  - (b) the form and manner in which notice is to be given; and
  - (c) the publication of notices.
- (5) In giving any notice under this section a local authority shall comply with the regulations.”

**42 Variation of charges at designated parking places**

After section 46 of the Road Traffic Regulation Act 1984 (which deals with charges at, and regulation of, parking places) there shall be inserted—

**“46A Variation of charges at designated parking places**

- (1) Where, by virtue of section 46 of this Act, any charges have been prescribed by a designation order or by an order under that section, the authority making that order may vary those charges by notice given under this section.
- (2) The variation of any such charges by notice is not to be taken to prejudice any power to vary those charges by order under section 46 of this Act.
- (3) The Secretary of State may by regulations make provision as to the procedure to be followed by any local authority giving notice under this section.
- (4) The regulations may, in particular, make provision with respect to—

---

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

---

- (a) the publication, where an authority propose to give notice, of details of their proposal;
- (b) the form and manner in which notice is to be given; and
- (c) the publication of notices.

(5) In giving any notice under this section a local authority shall comply with the regulations.”

#### **43 Permitted and special parking areas outside London**

- (1) Schedule 3 shall have effect for the purpose of making provision with respect to areas outside London corresponding to that made with respect to London, and areas within London, under sections 63 to 79 of this Act.
- (2) In this section “London” has the same meaning as it has in Part II of this Act.

#### **44 Parking attendants**

- (1) After section 63 of the Road Traffic Regulation Act 1984, there shall be inserted—

*“Parking attendants*

##### **63A Parking attendants**

- (1) A local authority may provide for the supervision of parking places within their area by individuals to be known as parking attendants.
- (2) Parking attendants shall also have such other functions in relation to stationary vehicles as may be conferred by or under any other enactment.
- (3) A parking attendant shall be—
  - (a) an individual employed by the authority; or
  - (b) where the authority have made arrangements with any person for the purposes of this section, an individual employed by that person to act as a parking attendant.
- (4) Parking attendants in Greater London shall wear such uniform as the Secretary of State may determine when exercising prescribed functions, and shall not exercise any of those functions when not in uniform.
- (5) In this section “local authority” and “parking place” have the meanings given by section 32(4) of this Act.”
- (2) In section 35 of that Act (provisions as to use of parking places provided under section 32 or 33), subsection (9) shall be omitted.

#### **45 Variable speed limits**

- (1) Section 84 of the Road Traffic Regulation Act 1984 (speed limits on roads other than restricted roads), shall be amended as follows.
- (2) For subsection (1) there shall be substituted—
  - “(1) An order made under this subsection as respects any road may prohibit—

- (a) the driving of motor vehicles on that road at a speed exceeding that specified in the order,
  - (b) the driving of motor vehicles on that road at a speed exceeding that specified in the order during periods specified in the order, or
  - (c) the driving of motor vehicles on that road at a speed exceeding the speed for the time being indicated by traffic signs in accordance with the order.
- (1A) An order made by virtue of subsection (1)(c) above may—
  - (a) make provision restricting the speeds that may be indicated by traffic signs or the periods during which the indications may be given, and
  - (b) provide for the indications to be given only in such circumstances as may be determined by or under the order;but any such order must comply with regulations made under subsection (1B) below, except where the Secretary of State authorises otherwise in a particular case.
- (1B) The Secretary of State may make regulations governing the provision which may be made by orders of local authorities under subsection (1)(c) above, and any such regulations may in particular—
  - (a) prescribe the circumstances in which speed limits may have effect by virtue of an order,
  - (b) prescribe the speed limits which may be specified in an order, and
  - (c) make transitional provision and different provision for different cases.”
- (3) In subsection (3) for the words “under subsection (1)” there shall be substituted the words “made by virtue of subsection (1)(a)”.
- (4) At the end there shall be added—
  - “(6) Any reference in a local Act to roads subject to a speed limit shall, unless the contrary intention appears, be treated as not including a reference to roads subject to a speed limit imposed only by virtue of subsection (1)(b) or (c) above.”

## **46 Tramcars and trolley vehicles**

- (1) After section 141 of the Road Traffic Regulation Act 1984 (tramcars and trolley vehicles) there shall be inserted—

### **“141A Tramcars and trolley vehicles: regulations**

- (1) The Secretary of State may by regulations provide that such of the provisions mentioned in subsection (2) below as are specified in the regulations shall not apply, or shall apply with modifications—
  - (a) to all tramcars or to tramcars of any specified class, or
  - (b) to all trolley vehicles or to trolley vehicles of any specified class.
- (2) The provisions referred to in subsection (1) above are the provisions of sections 1 to 14, 18 and 81 to 89 of this Act.
- (3) Regulations under this section—

---

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

---

- (a) may make different provision for different cases,
- (b) may include such transitional provisions as appear to the Secretary of State to be necessary or expedient, and
- (c) may make such amendments to any special Act as appear to the Secretary of State to be necessary or expedient in consequence of the regulations or in consequence of the application to any tramcars or trolley vehicles of any of the provisions mentioned in subsection (2) above.

(4) In this section—

“special Act” means a local Act of Parliament passed before the commencement of this section which authorises or regulates the use of tramcars or trolley vehicles;

“tramcar” includes any carriage used on any road by virtue of an order under the Light Railways Act 1896; and

“trolley vehicle” means a mechanically propelled vehicle adapted for use on roads without rails under power transmitted to it from some external source (whether or not there is in addition a source of power on board the vehicle).”

(2) After section 193 of the Road Traffic Act 1988 (exemptions for tramcars, trolley vehicles etc) there shall be inserted—

**“193A Tramcars and trolley vehicles**

- (1) The Secretary of State may by regulations provide that such of the provisions mentioned in subsection (2) below as are specified in the regulations shall not apply, or shall apply with modifications—
  - (a) to all tramcars or to tramcars of any specified class, or
  - (b) to all trolley vehicles or to trolley vehicles of any specified class.
- (2) The provisions referred to in subsection (1) above are the provisions of—
  - (a) sections 12, 40A to 42, 47, 48, 66, 68 to 73, 75 to 79, 83, 87 to 109, 143 to 165, 168, 170, 171, 178, 190 and 191 of this Act, and
  - (b) sections 1, 2, 7, 8, 22, 25 to 29, 31, 32, 34 to 48, 96 and 97 of the Road Traffic Offenders Act 1988 (provisions requiring warning of prosecution etc and provisions connected with the licensing of drivers).
- (3) Regulations under this section—
  - (a) may make different provision for different cases,
  - (b) may include such transitional provisions as appear to the Secretary of State to be necessary or expedient, and
  - (c) may make such amendments to any special Act as appear to the Secretary of State to be necessary or expedient in consequence of the regulations or in consequence of the application to any tramcars or trolley vehicles of any of the provisions mentioned in subsection (2) above.
- (4) In this section “special Act” means a local Act of Parliament passed before the commencement of this section which authorises or regulates the use of tramcars or trolley vehicles.”



#### **47 Applications for licences to drive hackney carriages etc**

(1) Part II of the Local Government (Miscellaneous Provisions) Act 1976 (including that Part as it applies in any area at the commencement of this section) shall have effect with the insertion of the following subsection after subsection (1) of each of section 51 (licensing of drivers of private hire vehicles) and section 59 (qualifications for drivers of hackney carriages)—

“(1A) For the purpose of satisfying themselves as to whether an applicant is a fit and proper person to hold a driver’s licence, a council may send to the chief officer of police for the police area in which the council is situated—

- (a) a copy of that person’s application, and
- (b) a request for the chief officer’s observations;

and the chief officer shall respond to the request.”

(2) Where any local Act contains a provision requiring a district council to be satisfied as to the fitness of an applicant to hold a licence to drive a private hire vehicle or a hackney carriage, the council may send to the chief officer of police for the police area in which the council is situated—

- (a) a copy of that person’s application, and
- (b) a request for the chief officer’s observations;

and the chief officer shall respond to the request.

#### **48 Minor and consequential amendments**

Schedule 4 to this Act, which makes minor amendments and amendments consequential on the preceding provisions of this Act, shall have effect.

#### **49 Omission of enactments not brought into force**

Parts II, III and IV of Schedule 2 to the Road Traffic (Consequential Provisions) Act 1988 (re-enactment or amendment of certain enactments not brought into force) shall be omitted.

## **PART II**

### **TRAFFIC IN LONDON**

#### *Priority routes*

#### **50 Designation of priority routes**

(1) The Secretary of State may by order (“a priority route order”) designate any road in London as a priority route.

(2) The Secretary of State shall exercise his powers under subsection (1) above so as to provide for a network of priority routes in London (“the priority route network”) with a view to improving the movement of traffic.

(3) Before making a priority route order, the Secretary of State shall consult—

- (a) the London authority within whose area the proposed priority route is;

---

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

---

- (b) the relevant Commissioner or, if appropriate, both Commissioners; and
  - (c) London Regional Transport.
- (4) Where it appears to the Secretary of State that the designation of any road as a priority route is likely to affect a road within the area of—
- (a) a London authority other than that consulted under subsection (3)(a) above; or
  - (b) a county council,
- he shall also consult that other London authority, or that county council, before making the proposed priority route order.

## **51 The Secretary of State’s traffic management guidance**

- (1) The Secretary of State shall issue to the London authorities and the Director guidance (“the Secretary of State’s traffic management guidance”) with respect to the management of traffic in London, and in particular with respect to priority routes and the priority route network.
- (2) Any such guidance may—
- (a) include provision—
    - (i) setting out the Secretary of State’s objectives in designating priority routes; and
    - (ii) with respect to the role of the Director; and
  - (b) be varied at any time by the Secretary of State.
- (3) Before issuing or varying any such guidance, the Secretary of State shall consult—
- (a) such associations of London authorities (if any) as he thinks appropriate;
  - (b) the two Commissioners;
  - (c) the Disabled Persons Transport Advisory Committee; and
  - (d) London Regional Transport.
- (4) In preparing any such guidance, the Secretary of State shall have regard to the needs of people with a disability.

## **52 The Traffic Director for London**

- (1) The Secretary of State shall appoint a person to be known as the Traffic Director for London (in this Act referred to as “the Director”).
- (2) Schedule 5 to this Act shall have effect with respect to the Director.
- (3) In addition to the specific duties imposed on him by this or any other enactment, the Director shall have the general duty—
- (a) of co-ordinating the introduction and maintenance of traffic management measures taken by highway authorities in relation to priority routes established under this Part of this Act; and
  - (b) of monitoring the operation of those measures.
- (4) The Director shall keep under review the manner in which the London authorities exercise their functions under Part III of the New Roads and Street Works Act 1991 in relation to priority routes or roads which, in his opinion, are likely to affect traffic using any priority route.

- (5) The Secretary of State shall set objectives which he expects the Director to meet in exercising his functions.
- (6) The Secretary of State shall publish, in such manner as he considers appropriate, any objectives which he sets under subsection (5) above.
- (7) The Director shall exercise his functions—
  - (a) so as to meet any such objectives, so far as it is reasonably practicable for him to do so; and
  - (b) in accordance with any directions which the Secretary of State may from time to time see fit to give him.
- (8) Any objectives set for the Director under subsection (5) above and any directions given to him under subsection (7) above may be specific or general.
- (9) The Secretary of State shall publish, in such manner as he considers appropriate, any directions which he gives to the Director under subsection (7) above.

### **53 The Director’s network plan**

- (1) As soon as is reasonably practicable after first receiving a copy of the Secretary of State’s traffic management guidance, the Director shall prepare and submit to him, and to each of the London authorities, his plans for the design and operation of the priority route network (“the network plan”).
- (2) The Director may divide the network plan into such parts as he considers appropriate and prepare and submit those parts separately.
- (3) In preparing the network plan, or any part of it, the Director shall have regard to the Secretary of State’s traffic management guidance and to the needs of people with a disability.
- (4) Before submitting the network plan, or any part of it, the Director shall consult—
  - (a) the Secretary of State;
  - (b) the relevant Commissioner or, if appropriate, both Commissioners;
  - (c) any London authority within whose area there is any road which, in the opinion of the Director, is likely to be affected;
  - (d) such county councils (if any) as he thinks appropriate;
  - (e) such associations of London authorities (if any) as he thinks appropriate; and
  - (f) London Regional Transport.
- (5) The network plan shall, in particular, include provision with respect to—
  - (a) the Director’s overall objectives for particular priority routes;
  - (b) the traffic management measures which he expects to see taken in relation to priority routes in general or particular priority routes;
  - (c) the Director’s requirements as to the timetable for the phased introduction of the priority route network; and
  - (d) the operation and maintenance of traffic management measures taken in respect of priority routes.
- (6) The Director may from time to time vary the network plan, but before doing so he shall consult the persons mentioned in subsection (4) above.

---

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

---

- (7) In preparing any variation, the Director shall have regard to the Secretary of State's traffic management guidance and to the needs of people with a disability.
- (8) After varying the network plan, the Director shall submit it to the Secretary of State and to each of the London authorities.
- (9) The Director shall—
  - (a) keep the network plan under review; and
  - (b) have regard to the desirability of varying it, particularly in the light of any further guidance issued by the Secretary of State under section 51 of this Act.

*Local plans and trunk road local plans*

**54 Duty of London authorities to prepare local plans**

- (1) Each London authority shall, after first receiving a copy of—
  - (a) the Secretary of State's traffic management guidance; and
  - (b) the network plan,
 prepare a statement ("the local plan") of their proposals with respect to the operation of those priority routes which are within their area and with respect to which they are the highway authority.
- (2) A local plan shall be in such form as may be specified by the Director.
- (3) Where the Director prepares and submits the network plan in parts, subsection (1) above applies separately with respect to each part of the network plan.
- (4) A local plan shall be prepared in accordance with the timetable set out in the network plan by virtue of section 53(5)(c) of this Act.
- (5) Where the Secretary of State asks a London authority to make provision in their local plan with respect to a trunk road within their area which is a priority route, that authority may make, or (as the case may be) vary, their local plan so that it also has effect in relation to that trunk road.
- (6) In preparing their local plan, a London authority shall have regard to—
  - (a) the Secretary of State's traffic management guidance; and
  - (b) the network plan.
- (7) A London authority's local plan shall, in particular—
  - (a) indicate which of their powers under the Highways Act 1980 or the Road Traffic Regulation Act 1984 they propose to exercise in relation to the priority routes to which their plan relates and the manner in which they propose to exercise them;
  - (b) identify any orders made under the Act of 1984 which are, in their opinion, inconsistent with their plan and indicate their proposals for varying or revoking them;
  - (c) indicate—
    - (i) which of their powers under the Act of 1980 or the Act of 1984 they propose to exercise in relation to those other roads in their area which are (or would otherwise be) likely to affect, or be affected by, traffic using any of the priority routes to which their plan relates; and

---

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

---

- (ii) the manner in which they propose to exercise them;
  - (d) indicate how the proposals referred to in paragraphs (a), (b) and (c) relate, in particular, to the needs of people with a disability;
  - (e) specify—
    - (i) the period which they consider will be required to implement their plan, on the assumption that it is approved by the Director; and
    - (ii) a timetable (“the local plan timetable”) for implementing the different elements of their plan;
  - (f) specify a programme of maintenance of those traffic management measures which are derived from the exercise, on or in relation to the priority routes to which their plan relates, of powers under the Acts of 1980 and 1984;
  - (g) specify the amount of the expenditure which, in the opinion of the authority, they will incur as a direct result of implementing their plan; and
  - (h) deal with any other matter which they consider relevant to the proper and effective implementation of their plan.
- (8) In preparing their local plan, a London authority shall consult—
  - (a) the relevant Commissioner or, if appropriate, both Commissioners;
  - (b) London Regional Transport;
  - (c) such organisations representing the interests of people with a disability who may be affected by the plan as appear to the authority to be appropriate; and
  - (d) any other London authority within whose area there is situated any road which is not a priority route but which is, in the authority’s opinion, likely to be affected by any of the priority routes to which their plan relates.
- (9) A London authority shall submit their local plan to the Director for his approval.
- (10) The Director shall not approve a local plan unless he is satisfied—
  - (a) that it is consistent with the Secretary of State’s traffic management guidance and with the network plan;
  - (b) in the case of any provision which is inconsistent with the network plan or the Secretary of State’s traffic management guidance, that that provision is nevertheless appropriate for inclusion in the local plan;
  - (c) with the costing of the authority’s proposals; and
  - (d) with the local plan timetable.
- (11) Every London authority shall—
  - (a) keep their local plan under review; and
  - (b) consider whether it needs to be varied, particularly in the light of—
    - (i) any further guidance issued by the Secretary of State under section 51 of this Act; and
    - (ii) any variation of the network plan made by the Director under section 53(6) of this Act.

## **55 The Director’s trunk road local plans**

- (1) Where any priority route, or part of a priority route, is a trunk road, the Secretary of State may give a direction to the Director requiring him to prepare a statement of the Director’s proposals with respect to the operation of that priority route or of such part of it as may be specified in the direction.

---

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

---

- (2) Subsection (1) above does not apply in relation to any trunk road in relation to which provision has been made by a London authority (under section 54(5) of this Act) in their local plan.
- (3) A statement prepared under subsection (1) above is referred to in this Part of this Act as a “trunk road local plan”.
- (4) The Director may from time to time vary any trunk road local plan.
- (5) In preparing any trunk road local plan or variation, the Director shall have regard to the Secretary of State’s traffic management guidance and the network plan and shall consult—
  - (a) the Secretary of State;
  - (b) the relevant Commissioner or, if appropriate, both Commissioners;
  - (c) any London authority within whose area is situated—
    - (i) any priority route to which the trunk road local plan will apply; or
    - (ii) any road which is not a priority route but which, in the opinion of the Director, is likely to be affected by any priority route to which the trunk road local plan will apply;
  - (d) such organisations representing the interests of people with a disability who may be affected by the plan as appear to him to be appropriate; and
  - (e) London Regional Transport.
- (6) Any trunk road local plan shall—
  - (a) indicate which powers under the Highways Act 1980 or the Road Traffic Regulation Act 1984 the Director proposes should be exercised in relation to the priority routes to which the plan relates and the manner in which he proposes they should be exercised;
  - (b) identify any orders made under the Act of 1984 which are, in his opinion, inconsistent with the plan and indicate his proposals for their variation or revocation;
  - (c) indicate—
    - (i) which powers under the Act of 1980 or the Act of 1984 he proposes should be exercised in relation to those other roads within London which are (or would otherwise be) likely to affect, or be affected by, traffic using any of the priority routes to which the plan relates; and
    - (ii) the manner in which he proposes they should be exercised;
  - (d) indicate how the proposals referred to in paragraphs (a), (b) and (c) relate, in particular, to the needs of people with a disability;
  - (e) specify—
    - (i) the period which he considers will be required to implement the plan; and
    - (ii) a timetable for implementing the different elements of the plan;
  - (f) specify a programme of maintenance of those traffic management measures, which are derived from the exercise, on or in relation to the priority routes to which the plan relates, of powers under the Acts of 1980 and 1984; and
  - (g) deal with any other matter which the Director considers relevant to the proper and effective implementation of the plan.
- (7) The Director shall, in relation to each of his trunk road local plans—
  - (a) keep the plan under review; and

- (b) consider whether it needs to be varied, particularly in the light of—
  - (i) any further guidance issued by the Secretary of State under section 51 of this Act; and
  - (ii) any variation of the network plan which he makes under section 53(6) of this Act.

## **56 The Minister’s trunk road local plans**

- (1) Where any priority route, or part of a priority route, is a trunk road with respect to which—
  - (a) no provision has been made in a local plan; and
  - (b) no direction has been given under section 55(1) of this Act,the Secretary of State shall prepare a statement of his own proposals (“the Minister’s trunk road local plan”) with respect to the operation of that priority route or any part of it.
- (2) A Minister’s trunk road local plan may be varied at any time by the Secretary of State.
- (3) In preparing any such plan or variation, the Secretary of State shall consult—
  - (a) the Director;
  - (b) any London authority within whose area is situated—
    - (i) any priority route to which the plan will apply; or
    - (ii) any road which is not a priority route but which, in the opinion of the Secretary of State, is likely to be affected by any priority route to which the plan will apply;
  - (c) the relevant Commissioner or, if appropriate, both Commissioners;
  - (d) such organisations representing the interests of people with a disability who may be affected by the plan as appear to him to be appropriate; and
  - (e) London Regional Transport.
- (4) A Minister’s trunk road local plan shall, in particular—
  - (a) indicate which powers under the Highways Act 1980 or the Road Traffic Regulation Act 1984 the Secretary of State proposes should be exercised in relation to the priority routes to which the plan relates and the manner in which he proposes they should be exercised;
  - (b) identify any orders made under the Act of 1984 which are, in his opinion, inconsistent with the plan and indicate his proposals for their variation or revocation;
  - (c) indicate—
    - (i) which powers under the Act of 1980 or the Act of 1984 he proposes should be exercised in relation to those other roads within London which are (or would otherwise be) likely to affect, or be affected by, traffic using any of the priority routes to which the plan relates; and
    - (ii) the manner in which he proposes they should be exercised;
  - (d) indicate how the proposals referred to in paragraphs (a), (b) and (c) relate, in particular, to the needs of people with a disability;
  - (e) specify—
    - (i) the period which he considers will be required to implement the plan; and
    - (ii) a timetable for implementing the different elements of the plan;

---

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

---

- (f) specify a programme of maintenance of those traffic management measures which are derived from the exercise, on or in relation to the priority routes to which the plan relates, of powers under the Acts of 1980 and 1984; and
  - (g) deal with any other matter which he considers relevant to the proper and effective implementation of the plan.
- (5) Where the Secretary of State considers that the implementation of any part of the plan requires a London authority to exercise any of its powers he may, in writing, ask the authority to exercise such powers as he may specify in his request.
- (6) Where—
- (a) the Secretary of State has sent such a request to a London authority; but
  - (b) the authority have not, in his opinion, exercised the powers in question within a reasonable period,
- the Secretary of State may direct them to do so.
- (7) Where a London authority have failed to comply with a direction under subsection (6) above within such period as the Secretary of State considers could reasonably be required by them, he may himself exercise the powers in question.
- (8) Anything done by the Secretary of State in the exercise of those powers shall be treated for all purposes as if it had been done by the authority.
- (9) Where the Secretary of State proposes to exercise any of the powers of a London authority by virtue of subsection (7) above, he may direct that authority not to exercise those or any other such powers, in such circumstances or in relation to such matters, as may be specified in the direction.
- (10) Where, having intervened under subsection (7) above, the Secretary of State is satisfied that continued intervention by him is unnecessary—
- (a) he shall notify the authority accordingly in writing; and
  - (b) with effect from the date on which that notice is served by him, any direction given by him with respect to his intervention shall cease to have effect.
- (11) Any reasonable administrative expenses incurred by the Secretary of State in the exercise of his powers under subsection (7) above shall be recoverable by him from the London authority as a civil debt.

## **57 Implementation of local plans**

- (1) Where the Director has approved a London authority's local plan, or has himself prepared a local plan on behalf of a London authority under section 61 of this Act, it shall be the duty of that authority to—
- (a) implement the plan as soon as is reasonably practicable; and
  - (b) continue to act in a manner which is compatible with it.
- (2) Every London authority shall provide the Director with such information, in such form and manner, as he may reasonably require with respect to the implementation or otherwise of their local plan.
- (3) Where a London authority's local plan has effect in relation to a trunk road, by virtue of section 54(5) of this Act, the duty imposed by subsection (1) above shall apply in relation to the plan so far as it has that effect only if the Director, with the consent of the Secretary of State, gives a direction to that effect.



## **58 Implementation by Director of certain plans**

- (1) Where the Secretary of State gives a direction to the Director requiring him to implement any trunk road local plan, or Minister's trunk road local plan, or part of any such plan, it shall be the duty of the Director to implement the provisions of the plan or (as the case may be) of that part of the plan, so far as they have effect in relation to any trunk road, as soon as is reasonably practicable.
- (2) Any direction given under subsection (1) above may require any provision to which it applies to be implemented to such limited extent as may be specified in the direction.
- (3) In so doing, the Director shall have all the powers which the Secretary of State would have in relation to any trunk road with respect to which the plan has effect, so far as may be necessary or expedient for the purpose of implementing the provisions of the plan.
- (4) Anything done by the Director in purported exercise of those powers shall be taken to have been done by the Secretary of State.
- (5) Where the Director considers that the implementation of any part of the plan requires a London authority to exercise any of its powers he may, in writing, ask the authority to exercise such powers as he may specify in his request.
- (6) Where—
  - (a) the Director has sent such a request to a London authority; but
  - (b) the authority have not, in his opinion, exercised the powers in question within a reasonable period,the Director may direct them to do so.
- (7) Where a London authority have failed to comply with a direction under subsection (6) above within such period as the Director considers could reasonably be required by them, he may himself exercise the powers in question.
- (8) Anything done by the Director in the exercise of those powers shall be treated for all purposes as if it had been done by the London authority.
- (9) Where the Director proposes to exercise any of the powers of a London authority by virtue of subsection (7) above, he may direct that authority not to exercise those or any other such powers, in such circumstances or in relation to such matters, as may be specified in the direction.
- (10) Where, having intervened under subsection (7) above, the Director is satisfied that continued intervention by him is unnecessary—
  - (a) he shall notify the London authority accordingly in writing; and
  - (b) with effect from the date on which that notice is served by him, any direction given by him with respect to his intervention shall cease to have effect.
- (11) Any reasonable administrative expenses incurred by the Director in the exercise of his powers under subsection (7) above shall be recoverable by him from the London authority as a civil debt.
- (12) Where the Secretary of State implements any of the provisions of a trunk road local plan, he shall have in relation to those provisions the powers conferred upon the Director by subsections (5) to (11) above.

---

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

---

## **59 Variation of local plans**

- (1) A London authority may vary their local plan, but only with the written consent of the Director.
- (2) The Director may give a direction to any London authority requiring them to vary their local plan in such manner as may be specified in the direction.
- (3) In varying their local plan, a London authority shall have regard to the Secretary of State's traffic management guidance and to the network plan.
- (4) Before varying their local plan, a London authority shall consult—
  - (a) the relevant Commissioner or, if appropriate, both Commissioners;
  - (b) London Regional Transport;
  - (c) such organisations representing the interests of people with a disability who may be affected by the plan as appear to the authority to be appropriate; and
  - (d) any other London authority within whose area there is situated any road which is not a priority route but which is, in the authority's opinion, likely to be affected by the proposed variation.
- (5) Where a London authority fail, within a reasonable time, to comply with any direction given under subsection (2) above, the Director may vary the local plan on their behalf.
- (6) Before varying a local plan on behalf of a London authority the Director shall consult—
  - (a) that authority;
  - (b) the relevant Commissioner or, if appropriate, both Commissioners;
  - (c) London Regional Transport;
  - (d) such organisations representing the interests of people with a disability who may be affected by the plan as appear to the Director to be appropriate; and
  - (e) any other London authority within whose area there is situated any road which is not a priority route but which is, in his opinion, likely to be affected by the proposed variation.
- (7) Any reasonable administrative expenses incurred by the Director under subsection (5) above shall be recoverable by him from the London authority concerned as a civil debt.

## **60 Proposed action by London authorities likely to affect priority routes**

- (1) No London authority shall exercise any power under the Highways Act 1980 or the Road Traffic Regulation Act 1984, in a way which will affect, or be likely to affect, a priority route unless the requirements of subsection (3) below have been satisfied.
- (2) Subsection (1) above does not apply where the exercise of the power—
  - (a) accords with the provisions of the authority's approved local plan; or
  - (b) is in response to a request made, or direction given, under this Act by the Director or the Secretary of State.
- (3) The requirements mentioned in subsection (1) above are that—
  - (a) the authority have given notice to the Director, in such manner as he may require, of their proposal to exercise the power in the way in question; and
  - (b) either—
    - (i) the Director has approved their proposal; or

---

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

---

- (ii) the period of one month beginning with the date on which he received notice of the proposal has expired without his having objected to it.
- (4) The Secretary of State may by an instrument in writing exclude any power from the application of this section to the extent specified in the instrument.
- (5) Any such instrument may, in particular, exclude a power as respects—
  - (a) all or any of the London authorities;
  - (b) all or any of the priority routes; or
  - (c) the exercise of the power in such manner or circumstances as may be specified in the instrument.
- (6) If a London authority exercise any power in contravention of this section, the Director may take such steps as he considers appropriate to reverse or modify the effect of the exercise of that power.
- (7) Any reasonable expenses incurred by the Director in taking any steps under subsection (6) above shall be recoverable by him from the London authority concerned as a civil debt.

## **61 Intervention powers**

- (1) Where it appears to the Director that a London authority have failed—
  - (a) to prepare a local plan in accordance with the requirements of section 54 of this Act; or
  - (b) to submit their local plan to him in accordance with those requirements,he may direct the authority to do so within such period as he may specify in the direction.
- (2) Where the Director has given such a direction, but the London authority concerned have not complied with it within a reasonable time, he may himself prepare a local plan on their behalf.
- (3) Where the Director refuses to approve a local plan under section 54 of this Act, the London authority concerned shall prepare and submit a new local plan under that section unless the Director serves written notice on them of his intention to exercise his powers under subsection (5) below.
- (4) In preparing any local plan in compliance with subsection (3) above, the London authority shall comply with any directions given to them by the Director.
- (5) If the Director—
  - (a) has refused to approve a local plan which has been prepared in accordance with the requirements of section 54 of this Act; and
  - (b) has served on the London authority concerned a notice of the kind mentioned in subsection (3) above,he may himself prepare a local plan on behalf of that authority.
- (6) Where the Director prepares a local plan on behalf of a London authority under this section—
  - (a) he shall consult—
    - (i) that authority;
    - (ii) the relevant Commissioner or, if appropriate, both Commissioners;

---

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

---

- (iii) London Regional Transport;
  - (iv) such organisations representing the interests of people with a disability who may be affected by the plan as appear to the Director to be appropriate; and
  - (v) any other London authority within whose area there is situated any road which is not a priority route but which is, in his opinion, likely to be affected by any of the priority routes to which the plan relates; and
- (b) any reasonable administrative expenses incurred by him in preparing the plan shall be recoverable by him from the authority as a civil debt.

## **62 Failure to implement local plans**

- (1) Where it appears to the Director that a London authority—
- (a) have not implemented, or are unlikely to implement, their local plan in accordance with the local plan timetable; or
  - (b) have not implemented, or are unlikely to implement, it in a satisfactory manner,
- he may direct the authority to take such steps as are required to implement it in accordance with the local plan timetable, or (as the case may be) to implement it in a satisfactory manner, in accordance with such other timetable as he may draw up and specify in the direction.
- (2) Where it appears to the Director that a London authority have acted in a manner which is incompatible with their local plan, he may direct them to take such steps as he considers appropriate with a view to securing, so far as is reasonably practicable, that the effects of that action are removed.
- (3) Where a London authority have failed to comply with a direction under subsection (1) or (2) above, the Director may (with the consent of the Secretary of State) take any steps which still remain to be taken by the authority in accordance with the terms of the direction.
- (4) The Secretary of State may limit his consent to the implementation by the Director of part only of the local plan, and where he does so the Director's powers under subsection (3) above shall be limited to implementing that part.
- (5) For the purposes of enabling him to exercise the powers given to him by subsection (3) above, the Director shall have all the powers which the London authority concerned have in connection with the implementation of their local plan.
- (6) Anything done by the Director in the exercise of those powers shall be treated for all purposes as if it had been done by the London authority.
- (7) Where the Director proposes to exercise any of the powers of a London authority by virtue of subsection (5) above, he may direct that authority not to exercise those or any other powers, in such circumstances or in relation to such matters, as may be specified in the direction.
- (8) Where, having intervened under subsection (3) above, the Director is satisfied that continued intervention by him is unnecessary—
- (a) he shall notify the London authority accordingly in writing; and
  - (b) with effect from the date on which that notice is served by him, any direction given by him with respect to his intervention shall cease to have effect.

- (9) Any reasonable administrative expenses incurred by the Director in the exercise of his powers under this section shall be recoverable by him from the London authority as a civil debt.

### *Parking in London*

#### **63 The Secretary of State’s parking guidance**

- (1) The Secretary of State shall issue guidance (“the Secretary of State’s parking guidance”) to the London authorities with a view to those authorities co-ordinating their action with respect to parking in London.
- (2) It shall be the duty of the joint planning committee for London established under section 5 of the Local Government Act 1985—
- (a) to make proposals to the Secretary of State (if it thinks fit) as to the content of the Secretary of State’s parking guidance; and
  - (b) to keep that guidance under review, with a view to making from time to time such further proposals as it considers appropriate.
- (3) Before issuing or varying any guidance under this section, the Secretary of State shall consult—
- (a) the two Commissioners;
  - (b) London Regional Transport;
  - (c) the Disabled Persons Transport Advisory Committee;
  - (d) such associations of London authorities (if any) as he thinks appropriate; and
  - (e) such other persons (if any) as he thinks appropriate.
- (4) In connection with the preparation of the Secretary of State’s parking guidance regard shall be had to the needs of people with a disability.
- (5) The Secretary of State’s parking guidance may, in particular, include provision with respect to appropriate levels for—
- (a) parking charges;
  - (b) penalty charges;
  - (c) charges made by London authorities for the removal, storage and disposal of vehicles; and
  - (d) charges in respect of the release of vehicles from immobilisation devices fixed under section 69 of this Act.
- (6) The Secretary of State’s parking guidance may be varied at any time by the Secretary of State.

#### **64 Charges at designated parking places**

- (1) In section 46 of the Road Traffic Regulation Act 1984 (charges at, and regulation of, designated parking places), in subsection (1) after the word “made” there shall be inserted the words “with respect to any parking place outside Greater London”.
- (2) After subsection (1) of that section there shall be inserted the following subsection—
- “(1A) Subject to Parts I to III of Schedule 9 to this Act, where the authority by whom a designation order is made with respect to any parking place in

---

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

---

Greater London impose charges to be paid for vehicles left in a parking place designated by the order, those charges shall be prescribed by the designation order or by a separate order made by the authority.”

**65 Contravention of certain orders relating to parking places in London not to be criminal offence**

- (1) In section 47 of the Road Traffic Regulation Act 1984 (offences relating to designated parking places) the words “;but this subsection does not apply in relation to any designated parking place in Greater London” shall be added at the end of subsection (1).
- (2) In section 8 of that Act (contravention of orders under section 6 to be an offence), the following subsection shall be inserted after subsection (1)—

“(1A) Subsection (1) above does not apply in relation to any order under section 6 of this Act so far as it designates any parking places.”
- (3) The provisions of section 11 of that Act (contravention of experimental traffic order) shall become subsection (1) of that section and the following subsection shall be inserted as subsection (2)—

“(2) This section does not apply in relation to any experimental traffic order so far as it designates any parking places in Greater London.”

**66 Parking penalties in London**

- (1) Where, in the case of a stationary vehicle in a designated parking place, a parking attendant has reason to believe that a penalty charge is payable with respect to the vehicle, he may—
  - (a) fix a penalty charge notice to the vehicle; or
  - (b) give such a notice to the person appearing to him to be in charge of the vehicle.
- (2) For the purposes of this Part of this Act, a penalty charge is payable with respect to a vehicle, by the owner of the vehicle, if—
  - (a) the vehicle has been left—
    - (i) otherwise than as authorised by or under any order relating to the designated parking place; or
    - (ii) beyond the period of parking which has been paid for;
  - (b) no parking charge payable with respect to the vehicle has been paid; or
  - (c) there has, with respect to the vehicle, been a contravention of, or failure to comply with, any provision made by or under any order relating to the designated parking place.
- (3) A penalty charge notice must state—
  - (a) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;
  - (b) the amount of the penalty charge which is payable;
  - (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
  - (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion;

- (e) that, if the penalty charge is not paid before the end of the 28 day period, a notice to owner may be served by the London authority on the person appearing to them to be the owner of the vehicle;
  - (f) the address to which payment of the penalty charge must be sent.
- (4) In subsection (3)(d) above “specified proportion” means such proportion, applicable to all cases, as may be determined by the London authorities acting through the Joint Committee.
- (5) A penalty charge notice fixed to a vehicle in accordance with this section shall not be removed or interfered with except by or under the authority of—
- (a) the owner, or person in charge, of the vehicle; or
  - (b) the London authority for the place in which the vehicle in question was found.
- (6) A person contravening subsection (5) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) Schedule 6 to this Act shall have effect with respect to penalty charges, notices to owners and other matters supplementing the provisions of this section.

## **67 Recovery of vehicles or of proceeds of disposal**

- (1) Section 101 of the Road Traffic Regulation Act 1984 shall be amended as follows.
- (2) In subsection (1) for “(5)” there shall be substituted “(5A)”.
- (3) In subsection (4) after the words “before a vehicle” there shall be inserted the words “found outside Greater London”.
- (4) After that subsection there shall be inserted—
- “(4A) If, before a vehicle found in Greater London is disposed of by an authority in pursuance of subsections (1) to (3) above, the vehicle is claimed by a person who satisfies the authority that he is its owner and pays—
- (a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed; and
  - (b) such sums in respect of the removal and storage of the vehicle—
    - (i) as the authority may require; or
    - (ii) in the case of sums payable to a competent authority which is not a local authority, as may be prescribed,
- the authority shall permit him to remove the vehicle from their custody within such period as they may specify or, where paragraph (b)(ii) applies, as may be prescribed.”
- (5) In subsection (5) after the words “which a vehicle” there shall be inserted the words “found outside Greater London”.
- (6) After that subsection there shall be inserted—
- “(5A) If, before the end of the period of one year beginning with the date on which a vehicle found in Greater London is sold by an authority in pursuance of this section, any person satisfies that authority that at the time of the sale he was the owner of the vehicle, that authority shall pay him any sum by which the proceeds of sale exceed the aggregate of—

---

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

---

- (a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed; and
- (b) such sums in respect of the removal, storage and disposal of the vehicle—
  - (i) as the authority may require; or
  - (ii) in the case of sums payable to a competent authority which is not a local authority, as may be prescribed.”

(7) In subsection (6) for the words “and (5)” there shall be substituted the words “to (5A)”.

## **68 Charges for removal, storage and disposal of vehicles**

(1) Section 102 of the Road Traffic Regulation Act 1984 shall be amended as follows.

(2) In subsection (2)—

- (a) in paragraphs (b) and (c) after the words “local authority” there shall be inserted the words “other than a London authority”; and
- (b) after paragraph (c) there shall be added—

“and

- (d) a London authority shall be entitled to recover from any person responsible, such charges in respect of the removal, storage and disposal of a vehicle removed from a parking place designated under section 6, 9 or 45 of this Act or otherwise provided or controlled by that authority as they may require.”

(3) In subsection (8)—

- (a) in the definition of “appropriate authority”, for paragraph (b) there shall be substituted—

“(b) in relation to a vehicle removed (by a person other than a constable or person acting in aid of a police force) from a place outside Greater London, which is a parking place provided or controlled by a local authority, or from a place (not being a parking place) on a road or land in the open air, means the local authority in whose area that place is;”;

- (b) in that definition, the words following paragraph (b) shall be omitted; and
- (c) at the end of that subsection there shall be added—

“and

“London authority” means any council of a London borough or the Common Council of the City of London.”

(4) The following subsection shall be added at the end—

“(9) For the purposes of—

- (a) subsection (2)(d) above, and
- (b) paragraph (b) in the definition of “appropriate authority” in subsection (8) above,

a parking place provided under a letting or arrangements made by a local authority in pursuance of section 33(4) of this Act shall be treated as provided by that authority.”



## **69 Immobilisation of vehicles in parking places**

- (1) Where, in the case of a stationary vehicle in a designated parking place, a parking attendant has reason to believe that the vehicle has been permitted to remain at rest there in any of the circumstances specified in section 66(2) (a), (b) or (c) of this Act, he or another person acting under his direction may fix an immobilisation device to the vehicle.
- (2) On any occasion when an immobilisation device is fixed to a vehicle in accordance with this section, the person fixing the device shall also fix 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 person authorised by the relevant authority to give such a direction.
- (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 fixed to the vehicle under subsection (2) above of—
  - (a) the penalty charge payable in respect of the parking; and
  - (b) such charge in respect of the release as may be required by the relevant authority.
- (5) A notice fixed to a vehicle in accordance with this section shall not be removed or interfered with except by or under the authority of—
  - (a) the owner, or person in charge, of the vehicle; or
  - (b) the relevant authority.
- (6) A person contravening subsection (5) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) 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 guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) In this section “relevant authority” means the London authority for the place in which the vehicle in question was found.

## **70 Exemptions from section 69**

- (1) Section 69(1) of this Act shall not apply in relation to a vehicle if—
  - (a) a current disabled person’s badge is displayed on the vehicle;
  - (b) not more than 15 minutes have elapsed since the end of any period for which the appropriate charge was duly paid at the time of parking; or
  - (c) not more than 15 minutes have elapsed since the end of any unexpired time (in respect of another vehicle) which is available at the relevant parking meter at the time of parking.

---

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

---

- (2) In any case in which section 69(1) of this Act would apply to a vehicle but for subsection (1)(a) above and the vehicle was not, at the time at which it was parked, being used—
- (a) in accordance with regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970; and
  - (b) in circumstances falling within section 117(1)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person’s concession would be available),
- the person in charge of the vehicle at that time shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In this section “disabled person’s badge” has the same meaning as in section 142(1) of the Road Traffic Regulation Act 1984, and “parking meter” has the same meaning as in section 46(2)(a) of that Act.

## **71 Representations in relation to removal or immobilisation of vehicles**

- (1) The owner or person in charge of a vehicle who—
- (a) removes it from the custody of a London authority in accordance with subsection (4A) of section 101 of the Road Traffic Regulation Act 1984 (ultimate disposal of vehicles abandoned and removable under that Act);
  - (b) receives any sum in respect of the vehicle under subsection (5A) of that section;
  - (c) is informed that the proceeds of sale of the vehicle did not exceed the aggregate amount mentioned in subsection (5A) of that section; or
  - (d) secures its release from an immobilisation device in accordance with section 69(4) of this Act,
- shall thereupon be informed of his right under this section to make representations to the relevant authority and of the effect of section 72 of this Act.
- (2) The relevant authority shall give that information, or shall cause it to be given, in writing.
- (3) Any person to whom subsection (1) above applies may make representations to the relevant authority on one or more of the grounds mentioned in subsection (4) below.
- (4) The grounds are—
- (a) that there were no reasonable grounds for the parking attendant concerned to believe that the vehicle had been permitted to remain at rest in the parking place in circumstances specified in section 66(2)(a), (b) or (c) of this Act;
  - (b) that the vehicle had been permitted to remain at rest in the parking place by a person who was in control of the vehicle without the consent of the owner;
  - (c) that the place in which the vehicle was at rest was not a designated parking place;
  - (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, section 69 of this Act did not apply to the vehicle at the time in question; or
  - (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.

- (5) An authority may disregard any representations which are received by them after the end of the period of 28 days beginning with the date on which the person making them is informed, under subsection (1) above, of his right to make representations.
- (6) It shall be the duty of an authority to whom representations are duly made under this section, before the end of the period of 56 days beginning with the date on which they receive the representations—
  - (a) to consider them and any supporting evidence which the person making them provides; and
  - (b) to serve on that person notice of their decision as to whether they accept that the ground in question has been established.
- (7) Where an authority serve notice under subsection (6)(b) above that they accept that a ground has been established they shall (when serving that notice) refund any sums—
  - (a) paid under subsection (4A) of section 101 of the Act of 1984 when the vehicle was removed from the custody of the authority;
  - (b) deducted from the proceeds of sale of the vehicle under subsection (5A) of that section; or
  - (c) paid under section 69(4) of this Act when the vehicle was released, except to the extent (if any) to which those sums were properly paid or deducted.
- (8) Where an authority serve notice under subsection (6)(b) above that they do not accept that a ground has been established, that notice shall—
  - (a) inform the person on whom it is served of his right to appeal to a parking adjudicator under section 72 of this Act;
  - (b) indicate the nature of a parking adjudicator’s power to award costs against any person appealing to him under that section; and
  - (c) describe in general terms the form and manner in which such an appeal is required to be made.
- (9) Where an authority fail to comply with subsection (6) above before the end of the period of 56 days mentioned there—
  - (a) they shall be deemed to have accepted that the ground in question has been established and to have served notice to that effect under subsection (7) above; and
  - (b) subsection (7) above shall have effect as if it required any refund to be made immediately after the end of that period.
- (10) A person who makes any representation under this section or section 72 of this Act which is false in a material particular and does so recklessly or knowing it to be false in that particular is guilty of an offence.
- (11) Any person convicted of an offence under subsection (10) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (12) Any notice required to be served under this section may be served by post.
- (13) Where the person on whom any document is required to be served by subsection (6) above is a body corporate, the document is duly served if it is sent by post to the secretary or clerk of that body.
- (14) In this section and in section 72 of this Act “relevant authority” has the same meaning as in section 69(8) of this Act.

---

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

---

## **72 Appeals to parking adjudicator in relation to decisions under section 71**

- (1) Where an authority serve notice under subsection (6)(b) of section 71 of this Act that they do not accept that a ground on which representations were made under that section has been established, the person making those representations may, before—
  - (a) the end of the period of 28 days beginning with the date of service of that notice; or
  - (b) such longer period as a parking adjudicator may allow, appeal to a parking adjudicator against the authority's decision.
- (2) On an appeal under this section, the parking adjudicator shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in section 71(4) of this Act and, if he concludes—
  - (a) that any of the representations are justified; and
  - (b) that the relevant authority would have been under the duty imposed by section 71(7) of this Act to refund any sum if they had served notice that they accepted that the ground in question had been established, he shall direct that authority to make the necessary refund.
- (3) It shall be the duty of any authority to whom such a direction is given to comply with it forthwith.

## **73 Appointment of parking adjudicators by joint committee of the London authorities**

- (1) The London authorities shall establish a single joint committee under section 101(5) of the Local Government Act 1972 ("the Joint Committee") before the end of the period of two months beginning with the date on which the Secretary of State first issues his guidance under section 63 of this Act.
- (2) The functions conferred on the London authorities by this section and section 74 of this Act shall be discharged by the Joint Committee.
- (3) The London authorities shall—
  - (a) with the consent of the Lord Chancellor, appoint persons to act as parking adjudicators for the purposes of this Part of this Act;
  - (b) provide accommodation and administrative staff for the parking adjudicators; and
  - (c) determine the places at which parking adjudicators are to sit.
- (4) To be qualified for appointment as a parking adjudicator, a person must have a 5 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990).
- (5) Each parking adjudicator shall be appointed for such term, not exceeding five years, as the London authorities may specify in relation to his appointment.
- (6) On the expiry of his term of appointment, a parking adjudicator shall be eligible for re-appointment.
- (7) A parking adjudicator may be removed from office only for misconduct or on the ground that he is unable or unfit to discharge his functions but shall otherwise hold and vacate office in accordance with the terms of his appointment.

- (8) The expenses of the Joint Committee incurred in the discharge of functions conferred on the London authorities by this Act shall be defrayed by the London authorities in such proportions as they may decide or, in default of a decision by them, as may be determined by an arbitrator nominated by the Chartered Institute of Arbitrators on the application of the Joint Committee.
- (9) The costs of any reference to arbitration under subsection (8) above shall be borne by the London authorities in equal shares.
- (10) Where the Secretary of State is satisfied that there has been, or is likely to be, a failure on the part of the London authorities to agree on the proportions in which the expenses of the Joint Committee are to be defrayed by them under subsection (8) above he may give the Joint Committee such directions as he considers appropriate in order to require it to refer the matter to arbitration under that subsection.
- (11) The Secretary of State shall by regulations make provision as to the procedure to be followed in relation to proceedings before parking adjudicators.
- (12) The regulations may, in particular, include provision—
  - (a) as to the manner in which appeals to parking adjudicators are to be made or withdrawn;
  - (b) authorising an appeal to a parking adjudicator to be disposed of on the basis of written representations unless the appellant requests an oral hearing;
  - (c) prescribing the procedure to be followed before the hearing of an appeal by a parking adjudicator;
  - (d) requiring any such hearing to be held in public except in prescribed circumstances;
  - (e) as to the persons entitled to appear and be heard on behalf of the parties;
  - (f) requiring persons to attend to give evidence and to produce documents;
  - (g) as to evidence at the hearing;
  - (h) as to the adjournment of hearings;
  - (i) for the award of costs in prescribed circumstances;
  - (j) for the settlement of costs, by taxation (and in particular by taxation in a county court) or by some other prescribed method;
  - (k) authorising decisions of parking adjudicators to be reserved;
  - (l) authorising or requiring parking adjudicators—
    - (i) to revise or set aside decisions;
    - (ii) to revoke or vary orders made by them;
  - (m) requiring decisions of, and orders made by, parking adjudicators, to be recorded;
  - (n) as to the proof of decisions of, and orders made by, parking adjudicators;
  - (o) authorising the correction of clerical errors in records kept in accordance with the requirements of the regulations;
  - (p) requiring service of—
    - (i) notice of decisions of parking adjudicators;
    - (ii) copies of any orders made by such adjudicators; or
    - (iii) notice of any corrections made by parking adjudicators in their decisions or orders.

---

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

---

- (13) Subject to any provision made by the regulations, a parking adjudicator may regulate his own procedure.
- (14) If any person who is required to attend a hearing held by a parking adjudicator, or to produce any document to a parking adjudicator in accordance with any regulations under subsection (11) above, fails without reasonable excuse to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (15) Any amount which is payable under an adjudication of a parking adjudicator shall, if a county court so orders, be recoverable by the person to whom the amount is payable, as if it were payable under a county court order.
- (16) Subsection (15) above does not apply to a penalty charge which remains payable following an adjudication under paragraph 5 of Schedule 6 to this Act.
- (17) In accordance with such requirements as may be imposed by the Joint Committee, each parking adjudicator shall make an annual report to the Joint Committee on the discharge of his functions.
- (18) The Joint Committee shall make and publish an annual report in writing to the Secretary of State on the discharge by the parking adjudicators of their functions.

#### **74 Fixing of certain parking and other charges for London**

- (1) It shall be the duty of the London authorities to set the levels of additional parking charges to apply in London.
- (2) Different levels may be set for different areas in London and for different cases or classes of case.
- (3) In discharging their duties under this section the London authorities shall have regard to the Secretary of State's parking guidance.
- (4) The London authorities shall submit to the Secretary of State, for his approval, the levels of additional parking charges which they propose to set under subsection (1) above.
- (5) If—
  - (a) the London authorities fail to discharge their duty under subsection (1) above; or
  - (b) the Secretary of State does not approve the levels of additional parking charges proposed by the London authorities,the levels of additional parking charges for London shall be set by regulations made by the Secretary of State.
- (6) It shall be the duty of the London authorities to impose additional parking charges at the levels set in accordance with the provisions of this section.
- (7) The London authorities shall publish, in such manner as the Secretary of State may determine, the levels of additional parking charges which they have set.
- (8) In this section “additional parking charges” means penalty charges, charges made by London authorities for the removal, storage and disposal of vehicles and charges in

respect of the release of vehicles from immobilisation devices fixed under section 69 of this Act.

## **75 Immobilisation of vehicles in London by police**

In the Road Traffic Regulation Act 1984, the following section shall be inserted after section 106—

### **“106A Immobilisation of vehicles in London**

- (1) Sections 104 and 105 of this Act shall extend throughout Greater London if the Secretary of State makes an order to that effect.
- (2) If such an order is made, section 106 of this Act shall cease to apply in relation to Greater London when the order comes into force.
- (3) Before such an order comes into force, section 106 of this Act shall have effect as if in subsection (7) the words “or by the Traffic Director for London” were added at the end and as if the following subsection were inserted after subsection (7)—
  - “(7A) Before making an order under this section at the request of the Traffic Director for London, the Secretary of State shall consult the appropriate local authority.”
- (4) The power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

## **76 Special parking areas**

- (1) Where a London authority apply to the Secretary of State for an order to be made under this section, the Secretary of State may make an order designating the whole, or any part, of that authority’s area as a special parking area.
- (2) Before making an order under this section, the Secretary of State shall consult the relevant Commissioner or, if appropriate, both Commissioners.
- (3) While an order under this section is in force, the following provisions shall cease to apply in relation to the special parking area designated by the order—
  - (a) section 8 of the Road Traffic Regulation Act 1984 (contravention of, or failure to comply with, an order under section 6 of that Act to be an offence), so far as it relates to the contravention of, or failure to comply with, any provision of such an order—
    - (i) prohibiting or restricting the waiting of vehicles on any road; or
    - (ii) relating to any of the matters mentioned in paragraph 7 or 8 of Schedule 1 to that Act (conditions for loading or unloading, or delivery or collecting);
  - (b) section 11 of the Act of 1984 (contravention of, or failure to comply with, an experimental traffic order under section 9 of that Act to be an offence), so far as it relates to any contravention of, or failure to comply with, any provision of such an experimental traffic order—
    - (i) prohibiting or restricting the waiting of vehicles on any road; or

---

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

---

- (ii) relating to any of the matters mentioned in paragraph 7 or 8 of Schedule 1 to that Act (conditions for loading or unloading, or delivery or collecting);
  - (c) section 16 of the Act of 1984 (contravention of a temporary restriction order or notice under section 14 of that Act to be an offence), so far as it relates to the contravention of any provision of an order or notice under section 14 of that Act which suspends any provision of an order made under section 45 or 46 of the Act of 1984;
  - (d) section 15 of the Greater London Council (General Powers) Act 1974 (parking of vehicles on verges, central reservations and footpaths etc. to be an offence);
  - (e) section 19 of the Road Traffic Act 1988 (parking of heavy vehicles on verges, central reservations and footpaths etc. to be an offence);
  - (f) section 21 of the Act of 1988 (prohibition of driving or parking on cycle tracks), so far as it makes it an offence to park a motor vehicle wholly or partly on a cycle track.
- (4) The Secretary of State may by order amend subsection (3) above by adding further provisions (but only in so far as they apply in relation to stationary vehicles).
- (5) Before making an order under subsection (4) above, the Secretary of State shall consult—
- (a) the two Commissioners; and
  - (b) such associations of London authorities (if any) as he thinks appropriate.

## **77 Application of provisions in relation to special parking areas**

- (1) This section applies in relation to any vehicle which is stationary in a special parking area (but which is not in a designated parking place) in circumstances in which an offence would have been committed with respect to the vehicle but for section 76(3) above.
- (2) A penalty charge shall be payable with respect to the vehicle by the owner of the vehicle.
- (3) Section 66 of, and Schedule 6 to, this Act shall apply in relation to penalty charges payable by virtue of subsection (2) above, but subject to such modifications (if any) as the Secretary of State considers it appropriate to make in the order designating the special parking area in question.
- (4) Where a parking attendant has reason to believe that a penalty charge is payable with respect to the vehicle by virtue of subsection (2) above, he or another person acting under his direction may fix an immobilisation device to the vehicle.
- (5) Subsections (2) to (8) of section 69 of this Act shall apply in relation to a device fixed to a vehicle under subsection (4) above, but subject to such modifications (if any) as the Secretary of State considers it appropriate to make in the order designating the special parking area in question.
- (6) An order under section 76 designating a special parking area may make such modifications of any provision of, or amended by, this Part of this Act as the Secretary of State considers appropriate in consequence of the provisions of section 76 or this section or of the order.



### *Miscellaneous*

#### **78 Enforcement**

- (1) In this section—
  - “certificated bailiff”, means any person authorised to act as such under subsection (6) below; and
  - “a Part II debt” means any sum which is—
    - (a) payable under, or by virtue of, any provision of this Part of this Act; and
    - (b) recoverable as if it were payable under a county court order.
- (2) The Lord Chancellor may by order make provision—
  - (a) for warrants of execution in respect of Part II debts, or such class or classes of Part II debts as may be specified in the order, to be executed by certificated bailiffs;
  - (b) as to the requirements which must be satisfied before any person takes, with a view to enforcing the payment of—
    - (i) a Part II debt; or
    - (ii) such class or classes of Part II debts as may be so specified,any other step of a kind specified by the order.
- (3) Any such order may make such incidental and supplemental provision (including modifications of any enactment other than this Act) as the Lord Chancellor considers appropriate in consequence of the provision made by that order under subsection (2) above.
- (4) The Lord Chancellor may by regulations make provision in connection with the certification of bailiffs under this section and the execution of warrants of execution by such bailiffs.
- (5) The regulations may, in particular, make provision—
  - (a) as to the security (if any) to be required from certificated bailiffs;
  - (b) as to the fees and expenses payable with respect to executions by certificated bailiffs; and
  - (c) for the suspension or cancellation of certificates issued under this section and with respect to the effect of any such suspension or cancellation.
- (6) For the purposes of this section, a person is a certificated bailiff if he is authorised to act as such by a certificate signed—
  - (a) by a judge assigned to a county court district; or
  - (b) in such circumstances as may be specified in regulations made by the Lord Chancellor, by a district judge.
- (7) Any person who is not a certificated bailiff but who purports to levy a distress as such a bailiff, and any person authorising him to levy it, shall be deemed to have committed a trespass.

#### **79 Application to Crown and visiting forces**

- (1) Nothing in Part II of this Act applies in relation to any vehicle which—
  - (a) at the relevant time is used or appropriated for use for naval, military or airforce purposes;

---

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

---

- (b) belongs to any visiting forces (within the meaning of the Visiting Forces Act 1952); or
  - (c) at the relevant time is used or appropriated for use, by any such forces.
- (2) Sections 66 and 69 to 71 of this Act apply to—
- (a) vehicles in the public service of the Crown which are required to be registered under the Vehicles (Excise) Act 1971 (other than those which are exempted by subsection (1)(a) above); and
  - (b) persons in the public service of the Crown.

## **80 Financial provisions**

- (1) With a view to reimbursing (in whole or in part) reasonable costs incurred by any London authority under sections 54 to 59, 61 and 62 of this Act, the Director may make such payments to the authority as he considers appropriate.
- (2) The Secretary of State may, with the consent of the Treasury, make such grants to the Director as he considers appropriate to enable the Director to discharge his functions.

## **81 Minor and consequential amendments**

The minor and consequential amendments set out in Schedule 7 to this Act shall have effect.

## **82 Interpretation of Part II**

- (1) In this Part of this Act—
- “Commissioner” means the Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London;
  - “designated parking place” means a parking place in London which is designated as a parking place under an order made under section 6, 9 or 45 of the Road Traffic Regulation Act 1984;
  - “the Director” means the Traffic Director for London appointed under section 52 of this Act;
  - “immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984;
  - “the Joint Committee” has the meaning given by section 73(1) of this Act;
  - “local plan” has the meaning given in section 54(1) of this Act;
  - “local plan timetable” has the meaning given in section 54(7)(e) of this Act;
  - “London” means the area comprising the areas of the London boroughs, the City of London and the Temples;
  - “London authority” means any council of a London borough or the Common Council of the City of London;
  - “Minister’s trunk road local plan” has the meaning given in section 56(1);
  - “network plan” has the meaning given by section 53(1) of this Act;
  - “parking attendant” has the same meaning as in section 63A of the Road Traffic Regulation Act 1984 (which is inserted by section 44 of this Act);
  - “penalty charge” has the same meaning as in section 66 of this Act;
  - “prescribed” means prescribed by regulations made by the Secretary of State;

“priority route” means a road designated by a priority route order;  
“priority route order” has the meaning given in section 50(1) of this Act;  
“priority route network” has the meaning given in section 50(2) of this Act;  
“road” has the same meaning as in the Road Traffic Regulation Act 1984;  
“the Secretary of State’s parking guidance” has the meaning given in section 63(1) of this Act;  
“the Secretary of State’s traffic management guidance” has the meaning given in section 51(1) of this Act;  
“trunk road” has the same meaning as in section 10 of the Highways Act 1980;  
“trunk road local plan” has the meaning given in section 55(3) of this Act;  
“vehicle hiring agreement” and “vehicle-hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988 (hired vehicles).

- (2) For the purposes of this Part of this Act, the owner of a vehicle shall be taken to be the person by whom the vehicle is kept.
- (3) In determining, for the purposes of this Part of this Act, who was the owner of a vehicle at any time, it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicles (Excise) Act 1971.
- (4) Section 28 of the Chronically Sick and Disabled Persons Act 1970 (power to define “disability” and other expressions) shall apply in relation to this Part of this Act as it applies to that Act.
- (5) In determining, for the purposes of any provision of this Part of this Act, whether a penalty charge has been paid before the end of a particular period, it shall be taken to be paid when it is received by the London authority concerned.
- (6) Any power to make an order or regulations conferred by this Part shall be exercisable by statutory instrument.
- (7) Any statutory instrument made under this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **PART III**

#### **SUPPLEMENTARY**

#### **83 Repeals**

The enactments mentioned in Schedule 8 to this Act (which include enactments which are spent) are hereby repealed to the extent specified in the third column of that Schedule.

#### **84 Commencement**

- (1) The preceding sections of, and the Schedules to, this Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different purposes and in respect of different areas.

---

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

---

- (2) An order under subsection (1) above may make such transitional provision as appears to the Secretary of State to be necessary or expedient.

**85 Expenses**

Any expenditure incurred by the Secretary of State under or by virtue of this Act shall be payable out of money provided by Parliament.

**86 Extent**

Except in so far as it amends any enactment extending there, this Act does not extend to Northern Ireland.

**87 Short title**

This Act may be cited as the Road Traffic Act 1991.