



Road Traffic Act 1930

1930 CHAPTER 43

PART VI

GENERAL.

111 Provisions as to regulations.

- (1) Any regulations made by the Minister under this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation shall be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.
- (2) Before making regulations under this Act the Minister shall consult with such representative organisations as he thinks fit.
- (3) If any person acts in contravention of, or fails to comply with, any regulation made by the Minister under this Act, contravention of or failure to comply with which is not made an offence under any other provision of this Act, he shall for each offence, be liable on summary conviction to such maximum penalty not exceeding a fine of twenty pounds as may be prescribed by the regulations.
- (4) The production of a copy of regulations under this Act purporting to be printed by the Government printer shall be evidence that the requirements of this Act as to the making of regulations and the laying of regulations before Parliament have been complied with.

112 Forgery, and &c, of licences and certificates.

- (1) If, with intent to deceive, any person—
 - (a) forges within the meaning of the Forgery Act, 1913, or alters or uses or lends to or allows to be used by any other person a licence under any Part of this

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Act or a certificate of insurance or certificate of security under Part II of this Act; or

- (b) makes or has in his possession any document so closely resembling such a licence or certificate as to be calculated to deceive,

he shall be guilty of a misdemeanour and shall be liable—

- (i) on conviction on indictment to imprisonment for a term not exceeding two years;
 - (ii) on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.
- (2) If any person for the purpose of obtaining the grant of any licence to himself or any other person knowingly makes any false statement, or for the purpose of obtaining the issue of a certificate of insurance or of a certificate of security under Part II of this Act makes any false statement or withholds any material information, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months, or to both such imprisonment and fine.
- (3) If any person issues a certificate of insurance or certificate of security which is to his knowledge false in any material particular, he shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.
- (4) If any police constable has reasonable cause to believe that any licence or certificate of insurance or certificate of security produced to him in pursuance of the provisions of this Act by the driver of a motor vehicle is a document in relation to which an offence under this section has been committed, he may seize the document, and when any document is seized under this section, the person from whom it was taken shall, unless the document has been previously returned to him or he has previously been charged with an offence under this section, be summoned before a court of summary jurisdiction to account for his possession of the said document and the court shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.
- (5) In this section the expressions " certificate of insurance " and " certificate of security " include any document issued under regulations made by the Minister in pursuance of his power under Part II of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security.

113 Prosecutions and penalties for offences.

- (1) Save as otherwise expressly provided, all Prosecutions offences under this Act shall be prosecuted under the Summary Jurisdiction Acts.
- (2) A person guilty of an offence under this Act for which no special penalty is provided shall be liable in the case of the first offence to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months.
- (3) Where the driver of a vehicle is alleged to be guilty of an offence under this Act—
 - (a) the owner of the vehicle shall give such information as he may be required by or on behalf of a chief officer of police to give as to the identity of the driver, and, if he fails to do so, shall be guilty of an offence, unless he shows to the

satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver was; and

- (b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver, and, if he fails to do so, he shall be guilty of an offence.

114 Inquiries by Minister.

- (1) The Minister may hold inquiries for the Inquiries purposes of this Act (including appeals to him there- by Minister, under) as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.
- (2) Where an inquiry is held under this Act the Minister may make such order as to the payment of the costs incurred by him in connection with the inquiry as he may think just.

115 Expenses of Roads Department.

- (1) Such part of the expenses incurred by and in connection with the roads department of the Ministry of Transport, including the salaries of the staff of that department, as the Minister may from time to time, with the approval of the Treasury, determine to be expenses so incurred in the administration of this Act, shall be paid out of the road fund, and for the purposes of this subsection expenses incurred in disseminating knowledge or otherwise informing the minds of the people, with a view to promoting safety on roads, may be treated as expenses incurred in the administration of this Act.
- (2) For the purposes of—
- (a) subsection (1) of this section;
 - (b) paragraphs (c) and (e) of subsection (4) of section three of the Roads Act, 1920;
 - (c) section fifteen of the London Traffic Act, 1924;
 - (d) section eight of the Roads Improvement Act, 1925;

expenses incurred under or in the administration of those enactments, respectively, which are payable out of the Road Fund shall be deemed to include and always to have included such charges in respect of superannuation and other allowances and gratuities payable on death or retirement, as the Minister, with the approval of the Treasury may from time to time determine to be proper.

116 Compensation for existing officers.

- (1) Every officer of a local authority who immediately before the passing of this Act had held office under that authority for a period of not less than two years, and who by virtue of this Act, or of anything done in pursuance or in consequence thereof, suffers any direct pecuniary loss by the determination of his appointment, or by diminution or loss of fees, salary, or emoluments, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to compensation under this Act for that loss.
- (2) For the purposes of this section any officer—
- (a) who at any time within five years after the passing of this Act relinquishes office by reason of his having been required to perform duties which are not

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analogous to or which are an unreasonable addition to those which he was required to perform immediately before the passing of this Act, or

- (b) whose appointment is determined or whose salary is reduced within five years after the passing of this Act because his services are not required or his duties are diminished, and not on the ground of misconduct,

shall be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss in consequence of this Act.

- (3) The provisions set out in the Fourth Schedule to this Act shall apply to the determination and payment of compensation under this Act to officers.
- (4) For the purposes of this section the expression " officer " includes servant, but no member of a police force shall be deemed to be an officer of a local authority.

117 Application of fines and fees under Part I.

All fines imposed in respect of offences under this Act or the regulations made thereunder and all sums received by a licensing authority by way of fees for licences under Part I. of this Act shall be paid into the Exchequer in the same manner respectively as penalties and forfeitures recovered under or in pursuance of and duties levied under the Roads Act, 1920, and in accordance with such directions as may be contained with respect to such penalties, forfeitures, and duties in any Order in Council for the time being in force under that Act and any sums paid into the Exchequer under this section shall, for the purposes of section two of the Roads Act, 1920, be deemed to have been paid into the Exchequer under that Act.

118 Inland revenue licence for motor-car drivers.

The definition of "male servant" in subsection (3) of section nineteen of the Revenue Act, 1869, as amended by section five of the Customs and Inland Revenue Act, 1876, and section ten of the Finance Act, 1921, shall be construed as if a person employed to drive a motor-car were included in that definition.

119 Special provisions as to Scotland.

- (1) Where any powers and duties are by this Act conferred or imposed on county councils and on the town councils of certain burghs only, all other burghs shall for the purposes of those powers and duties be deemed to be within the county.
- (2) Any expenses incurred by a town or county council under this Act shall be defrayed out of such rate leviable by the council and payable by owners and occupiers in equal proportions as the council may determine.
- (3) A county or a town council shall have power to borrow such sums as they may require for the purpose of the payment of the consideration for a transfer under section fifty-three of this Act or for the purposes of Part V or of section one hundred and twenty of this Act or for the purpose of the erection, or of making a contribution towards the erection, in pursuance of section twenty-seven, of any machine for weighing motor vehicles and trailers, and any sum so borrowed shall be repaid within such period as may be prescribed by the Secretary of State after consultation with the Minister.
- (4) Except where otherwise expressly provided the expression " highway authority " means a county council or the town council of a burgh charged with the maintenance and management of any of the highways therein.

- (5) Section one hundred and twelve of this Act shall have effect as if the words " within the meaning of the Forgery Act, 1913 " were omitted and as if for any reference to a court of summary jurisdiction there were substituted a reference to the sheriff.
- (6) For the purposes of section one hundred and sixteen of and the Fourth Schedule to this Act the expression " local authority " shall mean a county or town council.
- (7) Notwithstanding anything in section sixteen of the Development and Road Improvement Funds Act, 1909, the power conferred on the Minister of Transport by section eight of that Act as amended by section four of and the First Schedule to the Roads Act, 1920, to make advances in conjunction with a highway authority to any company or person shall be exercisable in respect of roads which are not maintainable at the cost of a highway authority.
- (8) Any person who aids, abets, counsels, procures, or incites any other person to commit an offence against this Act shall be guilty of an offence, and shall be liable on conviction to the same punishment as might be imposed on conviction of the first mentioned offence, provided that any person who aids, abets, counsels, procures or incites any person employed by him to drive, or subject to his orders in driving a motor vehicle on a road, to commit an offence against section ten of this Act, shall be liable to a fine not exceeding fifty pounds, and in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.
- (9) Any offence against this Act for which the maximum penalty that may be imposed does not exceed twenty pounds may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1908, having jurisdiction in the place where such offence was committed.
- (10) It shall be lawful to convict a person of a contravention of section forty-nine of this Act on the evidence of one witness.
- (11) This section shall extend to Scotland only.

120 Power to provide parking places in Scotland.

- (1) Where for the purpose of relieving or preventing congestion of traffic it appears to the local authority to be necessary to provide within their district suitable parking places for vehicles, the local authority may provide such parking places in accordance with the provisions of this section, and for that purpose may—
 - (a) acquire land suitable for use as a parking place; or
 - (b) utilise any lands which may lawfully be appropriated for the purpose; or
 - (c) by order authorise the use as a parking place of any part of a street within their district:

Provided that no such order shall—

 - (i) authorise the use of any part of a street so as unreasonably to prevent access to any premises adjoining the street, or the use of the street by any person entitled to the use thereof, or so as to be a nuisance; or
 - (ii) be made in respect of any part of a street without the consent of the authority or person responsible for the maintenance of the street.
- (2) Where a local authority propose to make an order under this section authorising the use as a parking place of any land forming part of a street, or propose to acquire or

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utilise any land for the purposes of this section, the local authority shall cause notice of the proposal to be published in at least one newspaper circulating within their district, and shall also cause a copy of such notice to be posted for not less than fourteen days on the land to which the proposal relates, and every such notice shall—

- (a) specify the land to which the proposal relates; and
 - (b) notify the date (which shall not be less than twenty-eight days) within which any objection to the proposal shall be sent in writing to the local authority; and
 - (c) contain a notification of the right of appeal conferred by this section.
- (3) Before carrying into effect any proposal of which notice is required by this section to be given, the local authority shall consider any objection to the proposal which is sent to them in writing within the time fixed in that behalf, and shall, after so considering it, give notice of their decision to the person by whom the objection was made, and if any person is aggrieved by any such decision he may, within twenty-one days after receiving notice thereof, appeal therefrom to the sheriff.
- (4) The local authority may take all such steps as may be necessary to adapt for use as a parking place any land, not being part of a street, which they may acquire or utilise under this section, and may appoint with or without remuneration such officers and servants as may be necessary for the superintendence of parking places.
- (5) The exercise by a local authority of their powers under this section with respect to the use as a parking place of any part of a street shall not render them subject to any liability in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle parked in such parking place.
- (6) A local authority may make regulations as to the use of parking places, and in particular as to the vehicles or class of vehicles which may be entitled to use any such parking place, as to the conditions upon which any such parking place may be used, and as to the charges to be paid to the local authority in connection with the use of any parking place not being part of a street, and a copy of any such regulations shall be exhibited on or near any parking place to which the regulations relate.
- (7) While any vehicle is within a parking place it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire, and if any person acts in contravention of this provision he shall be liable to a fine not exceeding forty shillings :
- Provided that, where the local authority provides a parking place which may be used by public service vehicles, the local authority may if it thinks fit by order declare that this subsection shall not apply to public service vehicles either absolutely or to such extent as may be specified in the order.
- (8) Any order made under the foregoing provisions of this section may be varied or revoked by any subsequent order made in like manner.
- (9) Nothing in this section shall authorise the execution of any works on, over, or under tidal lands below high-water mark of ordinary spring tides except in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.
- (10) Where in pursuance of the powers conferred by the foregoing provisions of this section a local authority provide a parking place which may be used by public service vehicles,

the local authority may, if it thinks fit, by order appoint that parking place as a station for such vehicles, and where a parking place is so appointed the local authority may—

- (a) with the consent of the Minister do all such things as are necessary to adapt the parking place for use as a station for public service vehicles and, in particular, provide and maintain waiting rooms, ticket offices, and lavatories and other similar accommodation in connection therewith; and
 - (b) make reasonable charges for the use of, or let on hire to any person, any accommodation so provided; and
 - (c) make regulations as to the use of any such accommodation.
- (11) The provisions of subsections (4), (5), (6), and (8) of section ninety of this Act shall apply to any order under the foregoing subsection of this section in like manner as they apply to an order under subsection (2) of that section.
- (12) In this section the expression " local authority " means a county or town council, and the expression "parking place" means a place where vehicles, or vehicles of any particular class or description, may wait.
- (13) This section shall extend to Scotland only.

121 Interpretation and application to Crown.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" Public service vehicle " means a motor vehicle used for carrying passengers for hire or reward other than a vehicle which is a contract carriage within the meaning of this Act adapted to carry less than eight passengers or a tramcar or a trolley vehicle :

" Tramcar " includes any carriage used on any road by virtue of an order made under the Light Railways Act, 1896:

" Trolley vehicle " means a mechanically-propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source:

" Owner " in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the. person in possession of the vehicle under that agreement:

" Driver, " where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and the expression " drive " shall be construed accordingly:

" Fares " includes sums payable in respect of a contract ticket or a season ticket:

" Prescribed " means prescribed by regulations:

" Forestry " includes the felling of trees and haulage thereof:

" Road " means any highway and any other road to which the public has access, and includes bridges over which a road passes:

" Highway authority, " in relation to any road, means the authority (being either the council of a county, the council of a county borough, the council of an urban district, the common council of the City of London, or the council of a metropolitan borough) which is responsible for the maintenance of the road:

" Bridge authority " means the authority or person responsible for the maintenance of a bridge :

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" Chief officer of police " has the same meaning as in the Police Pensions Act, 1921 :

" Minister " means the Minister of Transport.

- (2) Parts I and III of this Act, other than the section of this Act making provision with respect to extraordinary traffic, shall, subject as hereinafter provided, apply to vehicles and persons in the public service of the Crown, and for the purpose of proceedings for an offence in connection with any such vehicle against any person other than the driver of the vehicle, the person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that the driver only was responsible:

Provided that the provisions of this Act which respectively—

- (a) impose restrictions on persons under twenty-one years of age with respect to the driving of heavy locomotives, light locomotives, motor tractors or heavy motor cars;
- (b) regulate the number of trailers which may be drawn by motor vehicles;
- (c) limit the time for which drivers of certain vehicles may remain continuously on duty;

shall not apply in the case of motor vehicles owned by the Admiralty, the War Department, or the Air Ministry, and used for naval, military or air force purposes or in the case of vehicles so used while being driven by persons for the time being subject to the orders of any member of the armed forces of the Crown, and the Minister may by regulations, subject to such conditions as may be specified in the regulations, vary in relation to any such vehicles as aforesaid while being driven as aforesaid the provisions of the First Schedule to this Act.

122 Repeals.

The enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and so much of the provisions of any local Act (including any local Act passed at any time in the present Session of Parliament) as confers or imposes on any person any power, right, or obligation, which by any enactment mentioned in the said third column or by this Act (otherwise than by Part V thereof) is conferred or imposed on any person, is hereby repealed:

Provided that nothing in this repeal shall affect any regulations or orders made by the Minister under any enactment hereby repealed, or any licences granted under the Motor Car Act, 1903, but any such order, regulation or licence shall have effect as if made or granted under the corresponding provision of this Act, subject, however, to the following modifications and qualifications:

- (a) any regulations made under section four of the Locomotives on Highways Act, 1896, or section nine of the Motor Car Act, 1903, by which a speed limit of less than twenty miles per hour is imposed and in force at the commencement of this Act, shall not, unless the Minister by order otherwise directs, continue in force for more than twelve months thereafter;
- (b) a licence granted under the Motor Car Act, 1903, shall not continue in force beyond the time when it would have expired if this Act had not been passed, but if a new licence is granted to the holder thereof under Part I of this Act, there shall be copied on that licence before it is issued the particulars, if any, which are endorsed on the licence granted under the Motor Car Act, 1903,

unless he is entitled under Part I of this Act to have a licence issued to him free from endorsements;

- (c) references in any order made under subsection (4) of section seven of the Roads Act, 1920, to heavy motor cars or to locomotives shall be construed respectively as references to heavy motor cars as defined by this Act and to heavy locomotives and light locomotives as so defined and any expressions in any orders or regulations made under any other repealed enactments shall bear the same meaning as they bore immediately before the commencement of this Act.

123 Short title, commencement and extent.

- (1) This Act may be cited as the Road Traffic Act, 1930.
- (2) This Act shall come into operation on such day or days as the Minister may appoint, and the Minister may fix different days for different purposes and different provisions of this Act.
- (3) This Act shall not extend to Northern Ireland.