
STATUTORY INSTRUMENTS

1992 No. 1286

**The Road Traffic Act 1991 (Commencement
No 4 and Transitional Provisions) Order 1992**

PART 1

GENERAL

Citation and Interpretation

1.—(1) This Order may be cited as the Road Traffic Act 1991 (Commencement No. 4 and Transitional Provisions) Order 1992.

(2) In this Order—

“the 1981 Act” means the Public Passenger Vehicles Act 1981(1);

“the RTA 1988” means the Road Traffic Act 1988(2); and

“the RTOA 1988” means the Road Traffic Offenders Act 1988(3);

“the 1991 Act” means the Road Traffic Act 1991.

Commencement of Provisions

2. The provisions of the 1991 Act specified in the first column of the Schedule to this Order which relate to the matters specified in the second column of that Schedule shall come into force on 1st July 1992 subject to the limitations (if any) specified in the third column of that Schedule.

PART II

TRANSITIONAL PROVISIONS

Vehicle Examiners

3. Without prejudice to section 9(2) of the 1991 Act, a person who immediately before 1st July 1992 is a certifying officer or a public service vehicle examiner appointed under the 1981 Act or an examiner appointed under section 68(1) of the RTA 1988 shall be treated as from that date as if he were an examiner appointed under section 66A of the RTA 1988 for the purpose of carrying out the functions conferred on such an examiner by Part II of that Act, the 1981 Act, the Transport Act 1968(4) and any other enactment.

(1) 1981 c. 14.

(2) 1988 c. 52.

(3) 1988 c. 53.

(4) 1968 c. 73.

Speeding offences — admissibility of evidence

4.—(1) An approval of the Secretary of State under and for the purposes of section 20 of the RTOA 1988 (admissibility of measurement of speed by radar) in force immediately before 1st July 1992 shall have effect in relation to an offence alleged to have been committed on or after that date as if it had been given under and for the purposes of subsection (4) of that section⁽⁵⁾.

(2) Section 23 of the 1991 Act (speeding offences: admissibility of certain evidence) shall not apply in relation to an offence alleged to have been committed before 1st July 1992.

Alternative verdicts

5. Section 24 of the 1991 Act (alternative verdicts) shall not apply in relation to an offence alleged to have been committed before 1st July 1992.

Penalties

6.—(1) The bringing into force by this Order of a provision of the 1991 Act which relates to the punishment of an offence by way of fine, imprisonment or forfeiture shall not affect the punishment of an offence committed before that provision comes into force.

(2) The bringing into force by this Order of a provision of the 1991 Act which relates to the number of penalty points to be attributed to an offence or taken into account on conviction for an offence, shall not affect the number of penalty points to be attributed to an offence or taken into account on conviction for an offence committed before that provision comes into force.

(3) Where a person is disqualified under section 34 of the RTOA 1988 for an offence committed before 1st July 1992, the disqualification shall be treated for the purposes of section 29 of that Act (penalty points to be taken into account on conviction) as if it were a disqualification under section 35 of that Act.

(4) Where a person is disqualified under section 34 or 36 of the RTOA 1988 for an offence committed before 1st July 1992, the disqualification shall be treated for the purposes of section 45(5) of that Act (effect of endorsement) as if it were a disqualification under section 35 of that Act.

(5) Without prejudice to paragraphs (1) to (4) above, where a person is, after 1st July 1992, convicted of an offence committed before that date—

- (a) sections 34 to 37 of the RTOA 1988 (disqualification);
- (b) Schedule 2 to that Act (penalties); and
- (c) section 44 of the Powers of Criminal Courts Act 1973⁽⁶⁾ (disqualification where vehicle used for assault);

shall in relation to that offence apply as they were in force before that date.

(6) Section 39 of the 1991 Act (disqualification where a vehicle used in the commission of certain offences in Scotland) shall not have effect in relation to an offence committed before 1st July 1992.

Variable speed limits

7. Where a provision in an order made under subsection (1) of section 84 of the Road Traffic Regulation Act 1984⁽⁷⁾ before 1st July 1992 prohibits the driving of motor vehicles on a road at a

(5) A device designed or adapted for measuring by radar the speed of motor vehicles is a device within the meaning of section 20 of the Road Traffic Offenders Act 1988 (as amended by the Road Traffic Act 1991) by virtue of the Road Traffic Offenders (Prescribed Devices) Order 1992 (S.I. 1992/1209).

(6) 1973 c. 62; section 44 was amended by paragraph 122 of Schedule 7 to the Magistrate's Courts Act 1980 (c. 43) and paragraph 11 of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

(7) 1984 c. 27; section 84 is amended by paragraph 61 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22).

speed exceeding that specified in the order during a period specified in the order, the provision shall have effect as if it had been made under paragraph (b) of that subsection.

Signed by authority of the Secretary of State for Transport

3rd June 1992

Kenneth Carlisle
Parliamentary Under Secretary of State,
Department of Transport