

Road Traffic Act, 1934.

[24 & 25 GEO. 5. CH. 50.]

ARRANGEMENT OF SECTIONS.

A.D. 1934.

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**CHAPTER 50.**

An Act to amend the Road Traffic Act, 1930, and section thirty-four of the Road and Rail Traffic Act, 1933, and for purposes incidental thereto. A.D. 1934.
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[31st July 1934.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.**REGULATION OF MOTOR VEHICLES.**

1.—(1) Subject to the provisions of this Act, it shall not be lawful for any person to drive a motor vehicle on a road in a built up area at a speed exceeding thirty miles per hour. General speed limit of thirty miles per hour in built up areas.

For the purposes of this Act a length of road shall be deemed to be a road in a built up area—

- (a) if a system of street lighting furnished by means of lamps placed not more than two hundred yards apart is provided thereon, unless a direction that it shall be deemed not to be a road in a built up area is in force under this section; or

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—cont.

(b) if a direction that it shall be deemed to be a road in a built up area is in force under this section;

and not otherwise.

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Geo. 5. c. 43.

(2) If any person acts in contravention of the foregoing subsection he shall be deemed to be guilty of an offence under section ten of the Road Traffic Act, 1930 (in this Act referred to as the principal Act).

(3) The Minister may by order increase or reduce the rate of speed fixed by subsection (1) of this section (either as originally enacted or as varied by an order under this subsection) as the limit of speed to be observed under this section :

Provided that an order under this subsection shall be of no effect unless and until it has been approved by a resolution passed by each House of Parliament.

(4) A direction that a length of road shall be deemed not to be a road in a built up area notwithstanding that such a system of lighting as aforesaid is provided thereon, or that a length of road shall be deemed to be a road in a built up area notwithstanding that such a system of lighting as aforesaid is not provided thereon, may be given—

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Geo. 5. c. 34.

(a) as respects any length of road elsewhere than in the London Traffic Area as constituted by the London Traffic Act, 1924, by the local authority, by means of an order made by them after giving public notice of their intention to make an order under this subsection and after consultation with the chief officer of police and with the consent of the Minister ;

(b) as respects any length of road in the said London Traffic Area, by means of an order made by the Minister after giving public notice of his intention to make an order under this subsection and after consultation with the London and Home Counties Traffic Advisory Committee ;

and a direction so given may be revoked by a subsequent order made in the like manner.

(5) If the Minister is satisfied that the local authority have failed to give a direction that a length of road shall be deemed not to be a road in a built up area in

a case in which such a direction ought to have been given, or have failed to revoke a direction that a length of road shall be deemed to be a road in a built up area in a case in which the direction ought to have been revoked, he may make an order giving or revoking the direction, as the case may be :

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—cont.

Provided that, before exercising his powers under this subsection, the Minister shall give to the local authority notice of his intention of exercising those powers and, if within such period as may be specified in the notice the local authority represent to him that the direction ought not to be given, or ought not to be revoked, as the case may be, he shall hold a local inquiry, and the provisions of section forty-seven of the Road and Rail Traffic Act, 1933, shall apply in relation to the inquiry as if it were an inquiry held for the purposes of that Act.

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Geo. 5. c. 53.

(6) A direction given by an order under the last foregoing subsection may be revoked by a subsequent order made in the like manner.

(7) It shall be the duty of the local authority—

- (a) to erect and maintain the prescribed traffic signs in such positions as may be requisite in order to give effect to general or other directions given by the Minister for the purpose of securing that adequate guidance is given to drivers of motor vehicles as to the places where a length of road begins, and ceases, to be a road in a built up area, or as to a direction being in force as respects a length of road that it shall be deemed to be, or not to be, a road in a built up area; and
- (b) to alter or remove traffic signs as may be requisite in order to give effect to such directions as aforesaid, either in consequence of the making of an order by the Minister under subsection (5) of this section or otherwise;

and if the local authority make default in executing any works required for the performance of the duty imposed upon them by this subsection, the Minister may himself

A.D. 1934. execute the works and recover summarily as a civil debt
— from the local authority the expenses incurred by him
PART I. in so doing.
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(8) The power conferred on the Minister by subsection (2) of section forty-eight of the principal Act to prescribe the size, colour, and type of traffic signs shall include power to make regulations providing for the illumination of traffic signs to be erected under this section, or for the attachment of reflectors thereto.

(9) In this section the expression "local authority" means, as respects any length of road in the following areas, the following authorities respectively, that is to say, in the administrative county of London as regards the city of London the common council of the city of London and as regards a metropolitan borough the council thereof, in a county borough, in a non-county borough possessing a separate police force or having a population according to the last published census of over twenty thousand, and in an urban district having such a population as aforesaid, the council thereof, and elsewhere the council of the county.

(10) This section shall continue in force until the thirty-first day of December, nineteen hundred and thirty-nine, and no longer, unless Parliament otherwise determines :

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Vict. c. 63.

Provided that on the expiration of this section subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply as if this section had been repealed by another enactment taking effect at the time of the expiration thereof.

Amend-
ments of
s. 10 of,
and First
Schedule
to, the
principal
Act.

2.—(1) The First Schedule to this Act shall be substituted for the First Schedule to the principal Act, and references to that Schedule in any enactment shall be construed accordingly.

(2) In subsection (1) of section ten of the principal Act the words "and if any person acts in contravention of this section he shall be guilty of an offence" shall cease to have effect, and after the said subsection (1) the following subsection shall be inserted :

"(1A) A person convicted of driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment shall in respect of that offence be liable on summary

conviction to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

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—cont.

The provisions of this subsection shall have effect in substitution for any provision made by or under any other enactment relating to a speed limit for determining the punishment by way of fine or imprisonment to which a person convicted of driving a motor vehicle as aforesaid is to be liable in respect of that offence."

(3) The following subsections shall be substituted for subsections (2) and (3) of the said section ten :

"(2) A first or second conviction for driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment shall not render the person convicted liable to be disqualified for holding or obtaining a licence.

(3) A person prosecuted for driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person prosecuted was driving the vehicle at a speed exceeding that limit."

(4) The following proviso shall be substituted for proviso (a) to subsection (4) of the said section ten :—

"(a) the Minister shall not have power by regulation under this subsection to vary the speed limit imposed on motor vehicles by section one of the Road Traffic Act, 1934, as respects the driving thereof on a road in a built up area, or to impose on motor vehicles, in the case of which no speed limit is provided by the First Schedule to that Act, any speed limit as respects the driving thereof on a road not in a built up area; and "

(5) The references in subsections (5) and (6) of the said section ten to an offence under the said section, and the reference in subsection (6) thereof to an infringement of the provisions of the said section, shall be deemed to include references to driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment.

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PART I.

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Exemption of fire engines, &c., from speed limits.

Penalty for reckless or dangerous driving.

Exceeding speed limits and careless driving (endorsement of licence and disqualification).

3. The provisions of any enactment, or of any statutory rule or order, imposing a speed limit on motor vehicles shall not apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of those provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

4. Two years shall be substituted for six months as the maximum term of imprisonment to which a person shall be liable on conviction on indictment for an offence under section eleven of the principal Act (which relates to reckless or dangerous driving).

5.—(1) The court before which a person is convicted of driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment, or of an offence under section twelve of the principal Act (which relates to careless driving), shall, unless for any special reason the court thinks fit to order otherwise, order particulars of the conviction to be endorsed on any licence to drive a motor vehicle granted under Part I of the principal Act held by the person convicted.

(2) The following subsection shall be substituted for subsection (2) of the said section twelve:—

“(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence for a longer period than, in the case of a first conviction, one month, or, in the case of a second conviction, three months :

Provided that, where within the three years next before the date on which he is convicted for an offence under this section the offender has been convicted for an offence under section eleven of this Act, that conviction shall be treated for the purposes of this subsection as if it had been a conviction for an offence under this section.”

(3) The following subsection shall be substituted for subsection (5) of section eight of the principal Act :—

“(5) Where an order has been made in respect of a person under this Part of this Act, or the corresponding provisions of any Act repealed by this Act, requiring the endorsement of any licence

held by him, he shall be entitled, either on applying for the grant of a licence under this Part of this Act or, subject to a payment of a fee of five shillings and subject to surrender of any subsisting licence, on application at any time, to have issued to him a new licence free from endorsements—

- (a) if he has, during a continuous period of three years or upwards since the order was made, had no such order made against him, or no such order other than an order made more than one year before the date of his application and by reason only of a conviction for the offence of driving a motor vehicle at a speed exceeding a speed limit; or
- (b) where the order was made by reason only of such a conviction as aforesaid and immediately before the order was made he was the holder of, or was entitled to have issued to him, a licence free from any endorsement or free from any endorsement except of particulars in relation to such a conviction as aforesaid, if he has during a continuous period of one year or upwards since the order was made had no order requiring endorsement made against him :

Provided that in reckoning the said continuous periods of three years and one year respectively, any period during which the applicant was by virtue of the order disqualified for holding or obtaining a licence shall be excluded.”

6.—(1) A licence to drive a motor vehicle shall not be granted under Part I of the principal Act to any applicant unless he satisfies the licensing authority that he has either—

- (a) at some time passed the prescribed test of competence to drive; or
- (b) at some time before the first day of April, nineteen hundred and thirty-four, held such a licence, or a driver's licence under the Motor Car Act, 1903, authorising him to drive vehicles of the class or description which he would be authorised by the licence applied for to drive.

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PART I.
—cont.

Tests of competence to drive of new applicants for licences and of offenders ordered to be tested.

3 Ed.7. c. 36.

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PART I.
—cont.

(2) The provisions of subsection (3) of section five of the principal Act (which relates to the grant of provisional licences for the purpose of enabling persons to learn to drive a motor vehicle with a view to passing a test under that section) shall have effect as if the reference therein to a test included a reference to a test for the purposes of this section.

(3) The court before which a person is convicted of an offence under section eleven of the principal Act (which relates to reckless or dangerous driving), or under section twelve of the principal Act (which relates to careless driving), may, whether he has previously passed the prescribed test of competence to drive or not and whether or not the court makes an order under section six of the principal Act disqualifying him for holding or obtaining a licence to drive a motor vehicle, order him to be disqualified for holding or obtaining a licence to drive a motor vehicle until he has, since the date of the order, passed that test.

(4) The provisions of the principal Act which have effect where an order disqualifying a person for holding or obtaining a licence is made shall have effect in relation to a disqualification by virtue of an order under this section subject to the following modifications—

- (a) notwithstanding the provisions of subsection (6) of section four, or of subsection (4) of section seven, the person disqualified shall (unless he is disqualified for holding or obtaining a licence otherwise than by virtue of an order under this section) be entitled to obtain and to hold a provisional licence to be granted (where the person disqualified is the holder of a licence, by the licensing authority by which that licence was granted) under subsection (3) of section five of the principal Act, and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted;
- (b) subsection (3) of section seven (which relates to applications to the court to remove disqualifications) shall not apply, but the disqualification shall be deemed to have expired on production to the licensing authority of evidence in the

prescribed form that the person disqualified has, since the order was made, passed the prescribed test;

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PART I.

—cont.

- (c) on the return to the person disqualified of any licence to drive a motor vehicle held by him, or on the issue to him of such a licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has, since the order was made, passed the prescribed test.

(5) The Minister may make regulations with respect to the nature of tests of competence to drive for the purposes of this section, to the qualifications, selection and appointment of persons by whom they may be conducted and to the revocation of any appointment, to evidence of the results thereof and generally with respect thereto, and in particular, but without prejudice to the generality of the foregoing provisions, regulations made under this section may provide—

- (a) for requiring a person submitting himself for a test to provide a vehicle for the purposes thereof;
- (b) for requiring a person submitting himself for a test to pay to the person conducting the test such fee, not exceeding ten shillings, as may be specified in the regulations;
- (c) for ensuring that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself to another test by the same or any other person before the expiration of a prescribed period, except under an order made by a court of summary jurisdiction under the power conferred by the next succeeding subsection;

and different regulations may be made with respect to tests of competence to drive different classes or descriptions of vehicles.

(6) A court of summary jurisdiction acting for the petty sessional division in which a person who has submitted himself for a test of competence to drive resides shall have power on the application of that person to determine whether the test was properly conducted in accordance with the regulations, and, if it

A.D. 1934. appears to the court that the test was not so conducted, the court may order that the applicant shall be eligible to submit himself to another test before the expiration of the period prescribed for the purposes of paragraph (c) of the last foregoing subsection, and may order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

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PART I.
—cont.

(7) The Minister may make regulations providing for dispensing, in the case of persons not resident in Great Britain, with the requirements of subsection (1) of this section.

(8) In this section the expression "licence to drive a motor vehicle" means a licence to drive a motor vehicle granted under Part I of the principal Act.

Amendment
of ss. (3) of
s. 19 of the
principal
Act.

7.—(1) An order varying the periods of time prescribed in section nineteen of the principal Act (which relates to the time for which drivers of certain vehicles may remain continuously on duty) may be made under subsection (3) of the said section so as to have effect only as respects a particular class of public service vehicles, or only as respects public service vehicles when used in particular circumstances.

(2) Where an application is made under the said subsection (3) as respects drivers of stage carriages when used either—

- (a) on regular services under a road service licence to which a condition requiring the observance of a timetable is attached; or
- (b) on regular services in respect of which no road service licence is required;

then, if it is shown to the satisfaction of the Industrial Court and the Minister that the conditions under which the services are operated are such as to secure that the periods deemed to be continuous periods for the purposes of the said section during which the vehicles are driven include times in which the drivers are able to obtain rest and refreshment, the Industrial Court, in advising on the application, and the Minister in giving his determination thereon, may have regard to those conditions.

8.—(1) Subject to the provisions of this section it shall not be lawful to sell, or to supply, or to offer to sell or supply, a motor vehicle or trailer for delivery in such a condition that the use thereof on a road in that condition would be unlawful by virtue of the provisions of section three of the principal Act.

(2) Subject to the provisions of this section it shall not be lawful to alter a motor vehicle or trailer so as to render its condition such that the use thereof on a road in that condition would be unlawful by virtue of the provisions of the said section three.

(3) If a motor vehicle or trailer is sold, supplied, offered, or altered, in contravention of the provisions of this section, any person who so sells, supplies, offers, or alters it, or causes or permits it to be so sold, supplied, offered, or altered, shall be guilty of an offence.

(4) A person shall not be convicted for an offence under this section in respect of the sale, supply, offer, or alteration of a motor vehicle or trailer if he proves that it was sold, supplied, offered, or altered, as the case may be, for export from Great Britain, or that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain, or would not be so used until it had been put into a condition in which it might lawfully be so used.

9. The power conferred on the Minister by section thirty of the principal Act to make regulations with respect to the use of appliances fitted to motor vehicles for signalling their approach shall extend to the making, in relation to appliances for signalling by sound, of different regulations as respects different times of the day or night and as respects roads in different localities, and of regulations prohibiting their use at any times, and on or in any roads or localities, specified in the regulations.

PART II.

AMENDMENTS AS TO PROVISION AGAINST THIRD-PARTY RISKS.

10.—(1) If, after a certificate of insurance has been delivered under subsection (5) of section thirty-six of the principal Act to the person by whom a policy has been

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PART I.
—cont.

Prohibition of sale of vehicles in, or alteration thereof to, a condition not complying with regulations as to construction, &c.

Extension of power to regulate use of appliances for signalling approach by sound.

Duty of insurers to satisfy

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PART II.
—cont.
judgments
against
persons
insured in
respect of
third-party
risks.

effected, judgment in respect of any such liability as is required to be covered by a policy under paragraph (b) of subsection (1) of section thirty-six of the principal Act (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer shall, subject to the provisions of this section, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

(2) No sum shall be payable by an insurer under the foregoing provisions of this section—

- (a) in respect of any judgment, unless before or within seven days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings; or
- (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or
- (c) in connection with any liability, if before the happening of the event which was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein, and either—

(i) before the happening of the said event the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made a statutory declaration stating that the certificate had been lost or destroyed, or

(ii) after the happening of the said event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made such a statutory declaration as aforesaid, or

(iii) either before or after the happening of the said event, but within the said period of fourteen days, the insurer has commenced proceedings under this Part of this Act in respect of the failure to surrender the certificate.

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PART II.
—cont.

(3) No sum shall be payable by an insurer under the foregoing provisions of this section, if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular, or, if he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in it:

Provided that an insurer who has obtained such a declaration as aforesaid in an action shall not thereby become entitled to the benefit of this subsection as respects any judgment obtained in proceedings commenced before the commencement of that action, unless before or within seven days after the commencement of that action he has given notice thereof to the person who is the plaintiff in the said proceedings specifying the non-disclosure or false representation on which he proposes to rely, and any person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party thereto.

(4) If the amount which an insurer becomes liable under this section to pay in respect of a liability of a person insured by a policy exceeds the amount for which he would, apart from the provisions of this section, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

(5) In this section the expression "material" means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions, and the expression "liability covered by the terms of the policy" means a liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

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PART II.
—cont.

(6) In this Part of this Act references to a certificate of insurance in any provision relating to the surrender, or the loss or destruction, of a certificate of insurance shall, in relation to policies under which more than one certificate is issued, be construed as references to all the certificates, and shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

Bankruptcy
&c. of insur-
ed persons
not to affect
certain
claims by
third
parties.
20 & 21
Geo. 5. c. 25.

11. Where a certificate of insurance has been delivered under subsection (5) of section thirty-six of the principal Act to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in subsection (1), or subsection (2), of section one of the Third Parties (Rights against Insurers) Act, 1930, shall, notwithstanding anything in that Act, not affect any such liability of that person as is required to be covered by a policy under paragraph (b) of subsection (1) of section thirty-six of the principal Act, but nothing in this section shall affect any rights against the insurer conferred by that Act on the person to whom the liability was incurred.

Avoidance
of restric-
tions on
scope of
policies
covering
third-party
risks.

12. Where a certificate of insurance has been delivered under subsection (5) of section thirty-six of the principal Act to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters:—

- (a) the age or physical or mental condition of persons driving the vehicle; or
- (b) the condition of the vehicle; or
- (c) the number of persons that the vehicle carries;
or
- (d) the weight or physical characteristics of the goods that the vehicle carries; or
- (e) the times at which or the areas within which the vehicle is used; or
- (f) the horse power or value of the vehicle; or
- (g) the carrying on the vehicle of any particular apparatus; or

(h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under the Roads Act, 1920;

shall, as respects such liabilities as are required to be covered by a policy under paragraph (b) of subsection (1) of section thirty-six of the principal Act, be of no effect:

Provided that nothing in this section shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this section shall be recoverable by the insurer from that person.

13.—(1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy under paragraph (b) of subsection (1) of section thirty-six of the principal Act shall, on demand by or on behalf of the person making the claim, state whether or not he was insured in respect of that liability by any policy having effect for the purposes of Part II of the principal Act, or would have been so insured if the insurer had not avoided or cancelled the policy, and, if he was or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance delivered in respect thereof under subsection (5) of section thirty-six of the principal Act.

(2) If, without reasonable excuse, any person fails to comply with the provisions of this section, or wilfully makes any false statement in reply to any such demand as aforesaid, he shall be guilty of an offence.

14. Where a certificate of insurance has been delivered under subsection (5) of section thirty-six of the principal Act to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was delivered shall, within seven days from the taking effect of the cancellation, surrender the certificate to the insurer or, if it has been lost or destroyed, make a statutory declaration to that effect, and if he fails so to do he shall be guilty of an offence.

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PART II.
—cont.

10 & 11

Geo. 5. c. 72.

Duty of
persons
against
whom
claims are
made to
give inform-
ation as to
insurance.Duty to
surrender
certificate
on cancella-
tion of
policy.

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PART II.
—cont.Application
of this Part
to securities
given under
Part II of
the princi-
pal Act.

15. The foregoing provisions of this Part of this Act shall apply in relation to securities having effect for the purposes of Part II of the principal Act as they apply in relation to policies of insurance, and in relation to any such security as aforesaid, references in the said provisions to being insured, to a certificate of insurance, to an insurer, and to persons insured, shall be construed respectively as references to the having in force of the security, to the certificate of security, to the giver of the security, and to the persons whose liability is covered by the security.

Payments
and insur-
ance in
respect of
emergency
treatment of
injuries
arising
from the
use of
motor
vehicles on
roads.

16.—(1) Where medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to any person caused by, or arising out of, the use of a motor vehicle on a road, and the treatment or examination so required (in this section referred to as “emergency treatment”) is effected by a registered medical practitioner, the person who was using the vehicle at the time of the event out of which the bodily injury arose shall, on a claim being made in accordance with the provisions of the next succeeding section, pay to the practitioner, or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected—

- (a) a fee of twelve shillings and sixpence in respect of each person in whose case the emergency treatment is effected by him; and
- (b) a sum, in respect of any distance in excess of two miles which he must cover in order to proceed from the place whence he is summoned to the place where the emergency treatment is carried out by him and to return to the first-mentioned place, equal to sixpence for every complete mile and additional part of a mile of that distance.

(2) Where emergency treatment is first effected in a hospital (that is to say, an institution, not being an institution carried on for profit, which provides medical or surgical treatment for in-patients) the provisions of the foregoing subsection with respect to the payment of a fee shall, so far as applicable, have effect with the substitution of references to the hospital for references to a registered medical practitioner.

(3) Liability incurred under this section by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

A.D. 1934.

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PART II.
—cont.

(4) In paragraph (b) of subsection (1) of section thirty-six of the principal Act, the reference to liability in respect of death or bodily injury shall be deemed to include a reference to liability to make a payment under this section in respect of emergency treatment required as a result of bodily injury, and the proviso to that paragraph shall not have effect as respects liability to make a payment under this section.

17.—(1) A chief officer of police shall, if so requested by a person who alleges that he is entitled to claim a payment under the last foregoing section, furnish to that person any information at the disposal of the chief officer as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose, and as to the identity and address of the person who was using the vehicle at the time of the event out of which it arose.

Provisions
as to
claims for,
and supple-
mentary
provisions
as to,
payments
for
emergency
treatment.

(2) A claim for a payment under the last foregoing section may be made at the time when the emergency treatment is effected, by oral request to the person who was using the vehicle, and if not so made must be made by request in writing served on him within seven days from the day on which the emergency treatment was effected.

(3) A request in writing must be signed by the claimant or, in the case of a hospital, by an executive officer thereof, must state the name and address of the claimant, the circumstances in which the emergency treatment was effected, and that it was first effected by the claimant, or, in the case of a hospital, in the hospital.

(4) A request in writing may be served by delivering it to the person who was using the vehicle, or by sending it in a pre-paid registered letter addressed to him at his usual or last-known address.

(5) A sum payable under the last foregoing section shall be recoverable as if it were a simple contract debt

A.D. 1934. due from the person who was using the vehicle to the practitioner or the hospital.

PART II.
—cont.

(6) A payment made under the last foregoing section to a practitioner or hospital shall operate as a discharge, to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital of or for effecting the emergency treatment.

(7) A payment under the last foregoing section shall not be deemed to be a payment by an authorised insurer or owner for the purposes of subsection (2) of section thirty-six of the principal Act.

PART III.

AMENDMENT OF LAW RELATING TO HIGHWAYS.

Foot-
passenger
crossings.

18.—(1) Crossings for foot-passengers may be established on roads in accordance with the provisions of this section.

(2) The Minister may make regulations with respect to the precedence of vehicles and foot-passengers respectively, and generally with respect to the movement of traffic (including foot-passengers), at and in the vicinity of a crossing (including regulations prohibiting foot passenger traffic on the carriage-way within one hundred yards of a crossing), and with respect to the indication of the limits of a crossing by marks on the roadway or otherwise, and to the erection of traffic signs in connection therewith.

(3) Different regulations may be made under this section in relation to different traffic conditions and, in particular, but without prejudice to the generality of the foregoing words, different regulations may be made in relation to crossings in the vicinity of, and at a distance from, a junction of roads, and to traffic which is controlled by the police, and by traffic signals, and by different kinds of traffic signals, and which is not controlled.

(4) Within such period after the commencement of this section as the Minister may by order determine, the council of every borough, urban district and county

shall, after consultation with the chief officer of police and after giving public notice that they propose so to do, submit to the Minister either a scheme containing proposals for the establishment of crossings in the borough, or in the urban district, or in the rural districts in the county, as the case may be, or if it appears to them that the establishment of crossings in the borough, or in the urban district, or in any rural district in the county, as the case may be, is unnecessary, a statement of the reasons why they consider the establishment of crossings therein to be unnecessary, and in any case in which such a statement as aforesaid has been submitted the Minister may, if it appears to him that crossings ought to be established in the borough or district to which the statement relates and after giving to the council by whom the statement was submitted an opportunity of making representations, require the council to submit a scheme in relation thereto.

(5) A scheme submitted under the last foregoing subsection shall specify either the positions of the proposed crossings, or the lengths of road, or the areas, in which they are to be established and the number proposed for any length of road or area, and the Minister may, if he thinks fit, approve the scheme with or without modification.

(6) A scheme under this section may be varied from time to time, or may be revoked, by a subsequent scheme submitted and approved as aforesaid, or by an order made by the Minister after giving to the council by whom the scheme was submitted an opportunity of making representations.

(7) It shall be the duty of the council by whom a scheme was submitted to execute any works (including the placing, erection, maintenance, alteration, and removal of marks and traffic signs) required in connection with the establishment of crossings in accordance with the provisions of the scheme for the time being in force, or with the indication thereof in accordance with the regulations having effect as respects the crossings, or required in consequence of a variation or revocation of the scheme, and if the council make default in the execution of any such works, the Minister may execute the works and recover summarily as a civil debt from the council the expenses incurred by him in so doing.

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PART III.
—cont.

A.D. 1934.

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PART III.
—cont.

(8) If any person contravenes any of the provisions of a regulation having effect as respects a crossing, he shall in respect of each offence be liable to a fine not exceeding such amount (being five pounds or less) as may be specified by regulations made under this section as the maximum fine in relation to a breach of that regulation.

(9) In this section the expression “crossing” means a crossing for foot-passengers established in accordance with the provisions for the time being in force of a scheme submitted and approved under this section and indicated in accordance with the regulations having effect as respects that crossing, and for the purposes of a prosecution for a contravention of any of the provisions of a regulation having effect as respects a crossing the crossing shall be deemed to be established and indicated as aforesaid unless the contrary is proved.

(10) This section, in its application to the London Traffic Area constituted under the London Traffic Act, 1924, shall have effect subject to such adaptations as may be specified in an order made by the Minister.

Any order made for the purposes of this subsection may be varied by a subsequent order and shall be laid before both Houses of Parliament as soon as may be after it is made, and shall not have effect until it has lain upon the Table of each House of Parliament for a period of not less than twenty-eight days during which the House has sat, and if either House during that period presents an Address to His Majesty praying that the order may be annulled, the order shall not come into force, but without prejudice to the making of a new order.

Provisions
as to
reflectors on
bicycles, &c.
17 & 18
Geo. 5. c. 37.

19.—(1) The Minister may by regulations provide, in the case of bicycles not propelled by mechanical power and other vehicles to or on which red reflectors are attached or carried, that the provisions of the Road Transport Lighting Act, 1927, which exempt any such vehicles from the obligation to show a red light to the rear shall not have effect unless there is also exhibited on the vehicle a white surface in accordance with the regulations.

(2) If any person sells, or offers for sale, any appliance adapted for use as a reflector to be carried

on a vehicle in accordance with the provisions of the Road Transport Lighting Act, 1927, or of any regulations made thereunder, not being a reflector which complies with the conditions prescribed under section nine of that Act, he shall be liable, in the case of a first offence, to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

A.D. 1934.

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PART III.
—cont

20.—(1) It shall not be lawful for more than one person to be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.

Restriction
on carriage
of persons
on bicycles.

(2) If any person is carried on such a bicycle in contravention of the provisions of the foregoing subsection, each of the persons carried shall be liable in the case of a first conviction to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

(3) In this section references to a person carried on a bicycle shall include references to a person riding the bicycle.

21. The power conferred on the Minister by paragraph (a) of subsection (1) of section fifty-nine of the principal Act to make regulations for regulating the number, nature, and use of brakes in the case of vehicles drawn by horses shall extend to the making of such regulations in the case of bicycles and tricycles not being motor vehicles.

Regulations
as to brakes
on pedal
cycles.

22.—(1) The following paragraph shall be substituted for paragraph (c) of subsection (1) of section fifty-nine of the principal Act (which empowers the Minister to make regulations for the purposes therein specified):—

Regulations
as to the
removal
from roads
of vehicles
abandoned,
&c.

“(c) for making provision for the removal from roads, and safe custody, of vehicles which have broken down, or which have been permitted to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, or to appear to have been abandoned, and of the loads carried thereby.”

A.D. 1934. (2) The following subsection shall be inserted at the end of the said section fifty-nine :—

PART III.
—cont.

“(3) Expenses payable out of a police fund incurred in the execution of duties imposed by regulations made under paragraph (c) of subsection (1) of this section shall be recoverable summarily by or on behalf of the chief officer of police as a civil debt from the owner of the vehicle, and sums so recovered shall be paid into the police fund.”

Power of
county
councils to
light roads.

38 & 39 Vict.
c. 55.

56 & 57 Vict.
c. 73.

3 & 4 Will. 4
c. 90.

23.—(1) Notwithstanding the powers conferred upon the councils of non-county boroughs and urban and rural districts by or in pursuance of sections one hundred and sixty-one and two hundred and seventy-six of the Public Health Act, 1875, or otherwise, and upon parish meetings and parish councils in rural parishes, who have, in pursuance of section seven of the Local Government Act, 1894, adopted the provisions of the Lighting and Watching Act, 1833, the council of a county may, if they consider that any county road or part thereof should be illuminated or better illuminated, enter into and carry into effect an agreement for the supply for that purpose of gas, electricity, or other means of illumination, with the road lighting authority, or with any other authority or person having power in that behalf, and may provide such lamps, lamp-posts, and other materials and apparatus as they may think necessary for the purposes of this section :

Provided that nothing in this section shall be deemed to be in derogation of the powers conferred as aforesaid upon the councils of non-county boroughs and urban and rural districts or upon parish meetings or councils in rural parishes.

(2) Before exercising the power conferred on them by this section, a county council shall give notice to the road lighting authority specifying the road, or part of a road, which in the opinion of the county council should be illuminated or better illuminated and any particular requirement in that behalf which in their opinion ought to be satisfied, and shall not exercise the said power unless the road lighting authority have at the expiration of a reasonable time after receipt of the notice, failed to provide such illumination or better illumination as is requisite for

the adequate lighting of the road or part of a road, or to comply with any reasonable requirement of the county council in that behalf.

Any question arising under this subsection as to what lighting is adequate, or as to what length of time is reasonable, or as to whether any requirement is reasonable, shall be determined by the Minister.

(3) Subject as hereinafter provided, all expenses incurred by the council of a county under this section shall be expenses for general county purposes :

Provided that a road lighting authority who have, in any year ending on the thirty-first day of March, provided lighting for the county roads in their area shall, if they so request, be entitled to receive from the council of the county the amount raised by that council in that area in respect of expenses incurred by them under this section in that year, unless the council of the county have in that year exercised the power conferred on them by this section in respect of a road, or part of a road, in that area.

(4) In this section the expression "road lighting authority" means, as respects any county road or part thereof, the council or meeting on whom any of the powers referred to in subsection (1) of this section are conferred as respects that road or that part thereof.

PART IV.

PUBLIC SERVICE VEHICLES AND LICENCES OF DRIVERS OF HEAVY GOODS VEHICLES.

Public Service Vehicles.

24. The following paragraphs shall be substituted for paragraphs (a) and (b) of subsection (1) of section sixty-one of the principal Act (which relates to the classification of public service vehicles) :—

Classifica-
tion of pub-
lic service
vehicles.

"(a) Stage carriages; that is to say motor vehicles carrying passengers for hire or reward at separate fares and not being express carriages as hereinafter defined;

(b) Express carriages; that is to say motor vehicles carrying passengers for hire or reward at

A.D. 1934.

PART IV.
cont.

separate fares none of which is less than one shilling or such greater sum as may be prescribed:

for the purposes of this paragraph—

(i) a composite fare for more than one journey shall not be regarded as representing the aggregate of fares of any less amount; and

(ii) no account shall be taken of any fare which is charged in the case of children, or of workmen, or of students, if a fare of one shilling, or of such greater sum as may be prescribed, or more, is charged for the like service in the case of all passengers not falling within any of those descriptions; ”.

Amendment
as to use of
vehicles on
special
occasions
for the
conveyance
of private
parties.

25.—(1) For the purposes of the proviso to subsection (2) of section sixty-one of the principal Act, a vehicle shall be deemed to be used on a special occasion for the conveyance of a private party where it is used on a journey in relation to which the following conditions are satisfied, and not otherwise (that is to say) :—

- (a) arrangements for the bringing together of all the passengers for the purpose of making the journey as a party must have been made by some person, not being the holder of the public service vehicle licence in respect of the vehicle or a person acting on behalf of the holder of such a licence or a person who receives any remuneration in respect of those arrangements;
- (b) the journey must be made without previous advertisement to the public of the arrangements therefor;
- (c) all the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey;
- (d) no differentiation of fares for the journey on the basis of distance or of time must be made;
- (e) in the case of a journey to a particular destination the passengers must not include any person

who frequently, or as a matter of routine, travels, at or about the time of day at which the journey is made, to that destination from a place from or through which the journey is made;

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PART IV.
—cont.

- (f) the holder of the public service vehicle licence in respect of the vehicle must, within the prescribed time, make or cause to be made a record containing the prescribed particulars in relation to the matters referred to in the foregoing conditions and otherwise in relation to the journey, so however that the regulations shall not require particulars of fares or prices to be recorded; and
- (g) the driver of the vehicle must carry a work ticket containing such particulars as may be prescribed for the purpose of enabling the record of the journey made under the last foregoing paragraph to be traced and identified.

(2) The driver of a vehicle shall, on demand by a police constable in uniform, or by a person authorised by any traffic commissioners, on production if so required of that person's authority, produce a work ticket carried by him under this section for inspection by the constable or person authorised, and if the driver fails so to do he shall be guilty of an offence.

(3) The person by whom a record is required by this section to be made shall preserve it for a period of six months from the date on which it is made, and shall, if required so to do at any time during that period, produce it for inspection by any person authorised by any traffic commissioners, on production if so required of that person's authority, and if he fails so to do he shall be guilty of an offence.

(4) If, with intent to deceive, any person alters an entry in a record made under this section he shall be guilty of a misdemeanour and shall be liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years;
- (b) 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.

A.D. 1934.

PART IV.

—cont.

Arrange-
ments
between
members of
societies for
carriage
in motor
vehicles.

26. Where, under a transaction effected by or on behalf of a member of a society on the one hand and the society or another member thereof on the other hand, a person is carried as a passenger in a motor vehicle in such circumstances that he would be deemed to be carried for hire or reward if the transaction were effected otherwise than as aforesaid, then, notwithstanding any rule of law, he shall for the purposes of the principal Act and of this Act be deemed to be carried for hire or reward.

In this section the expression "society" means any association of persons whether incorporated or not.

Amendment
as to public
sittings of
traffic com-
missioners.

27. Notwithstanding anything in subsection (1) of section sixty-four of the principal Act, it shall not be obligatory on the commissioners to hold a public sitting for the hearing or determination of an application for the grant or backing of a road service licence where it appears from the particulars submitted that the services which it is proposed to provide will not be operated on more than six days in any period of twelve months and that passengers will not be carried on any journey included in those services otherwise than at day return fares.

Road ser-
vice licences
for corridor
areas.

28.—(1) Where from the particulars submitted on an application for a road service licence made to the traffic commissioners of any traffic area it appears that the applicant proposes to provide a service on a route running through another traffic area (in this section referred to as "a corridor area") in which the following conditions will be observed, that is to say, that passengers will not be taken up or set down therein, or permitted to alight therein for the purpose of sight-seeing, or for any other purpose requiring the vehicle to be halted for a period of more than fifteen minutes, the commissioners may grant a licence subject to observance of those conditions, and a licence so granted shall be valid in the corridor area as if it had been backed in the prescribed manner by the commissioners of the corridor area.

(2) The commissioners, before granting a licence having validity under the foregoing subsection, shall consult the commissioners of the corridor area as to the route to be followed in the corridor area in connection with the provision of the service under the licence, and

may attach to the licence such conditions as they may think fit with respect to the route to be so followed.

29.—(1) For removing doubts it is hereby declared that the powers conferred on a local authority by subsections (2) and (3) of section ninety of the principal Act (which relate to the appointment of a parking place as a station for public service vehicles and confer amongst other powers a power to make certain charges) are in addition to, and not in substitution for, the powers conferred on a local authority by section sixty-eight of the Public Health Act, 1925 (which relates to the provision of parking places and confers amongst other powers a power to make regulations as to certain charges).

(2) A local authority shall have power to make charges for the use of a parking place, not being part of a street, as a station for public service vehicles.

The charges to be made under this subsection as respects any vehicles shall be such reasonable charges as may be fixed by the local authority, so however, that if the public service vehicle licence holder in respect of any vehicles using the parking place as a station considers that the charges fixed are unreasonable, then, in default of agreement between the licence holder and the local authority for a reduction thereof, the charges in respect of those vehicles shall be such as may be determined by the Minister.

30. Such of the provisions of section four hundred and twelve of the Burgh Police (Scotland) Act, 1892, and of any local Act, as relate to the safe custody and redelivery or disposal of property accidentally left in a vehicle, or to fixing charges made in respect thereof, shall cease to have effect so far as regards property left in a public service vehicle.

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PART IV.

—cont.

Interpreta-
tion and
amendment
of certain
visions as to
charges for
use of
parking
places.Lost
property.
55 & 56
Vict. c. 55.

Drivers Licences (Heavy Goods Vehicles).

31.—(1) A person shall not drive a heavy goods vehicle on a road unless he is licensed for the purpose under this section, or is licensed under Part IV of the principal Act to drive all types of single-deck public service vehicles, and a person shall not employ any person, who is not so licensed, to drive a heavy goods vehicle on a road, and if any person acts in contravention of this section he shall be guilty of an offence.

Licences of
drivers of
heavy goods
vehicles.

A.D. 1934.
—
PART IV.
—cont.

(2) The person who is the chairman of the traffic commissioners of any traffic area, including any person for the time being appointed by the Minister to act as deputy to the chairman, shall have the power and be charged with the duty of granting licences under this section and is in this section referred to as “the licensing authority”, and an application for a licence shall be made to the licensing authority of the traffic area in which the applicant for the licence resides.

This section shall have effect as respects the Metropolitan traffic area with the substitution of a reference to the traffic commissioner of that area for the reference to the chairman of the traffic commissioners.

(3) Such fees as the Minister may prescribe shall be charged by licensing authorities in respect of the grant of licences, and any fees received by them shall be paid into the Road Fund in such manner as the Treasury may direct.

(4) A licence may be limited to such class or classes of vehicles as may be specified in the licence.

(5) Subject to the provisions of the next succeeding subsection, the licensing authority may require an applicant for a licence to satisfy him as to the applicant's competence to drive by subjection to a test, and to provide a vehicle for the purposes of the test.

(6) On the first application for a licence by a person who satisfies the licensing authority that in the course of the year ending on the first day of April, nineteen hundred and thirty-four, he has been, during any period or periods of, or amounting in the aggregate to, six months, in the habit of driving a heavy goods vehicle, and on payment of the prescribed fee, the licensing authority shall grant the licence, and the provisions of the last foregoing subsection shall not apply in relation to such an application.

(7) A licence shall, unless previously revoked, continue in force for three years from the date on which it is expressed to take effect, but may at any time be suspended or revoked by the licensing authority of the area in which it was granted upon the ground that, by reason of his conduct as a driver of a motor vehicle or of physical disability, the holder is not a fit person to hold such a

licence, and during any time of suspension a licence shall be of no effect.

A.D. 1934.

PART IV.

—cont.

(8) Any person who, being the holder of, or an applicant for, a licence, feels aggrieved by the refusal or failure of the licensing authority to grant, or by the suspension or revocation of, a licence, or by any limitation imposed thereon, may by notice in writing to the licensing authority require him to reconsider the matter, and shall on a reconsideration be entitled to be heard either personally or by his representative.

Any person who is so aggrieved as aforesaid, or who is dissatisfied with the decision of the licensing authority on reconsideration of the matter, may appeal to a court of summary jurisdiction acting for the petty sessional division in which the applicant resides, and on any such appeal the court may make such order as it thinks fit and any order so made shall be binding on the licensing authority.

(9) Where the applicant for a licence, who is at the date of his application the holder of a licence, appeals under this section on the ground of refusal or failure to grant the licence, the existing licence shall continue in force until the appeal has been disposed of, notwithstanding that the licence would otherwise have expired.

(10) Section ninety-four of the principal Act (which confers on the Minister power to make regulations for the purpose of Part IV of that Act) shall have effect as if references therein to drivers, and to classes, of public service vehicles included references to drivers, and to classes, of heavy goods vehicles.

(11) This section shall not apply to the driving of, or to the employment of a person to drive, a vehicle in any case where the excise duty in respect of the vehicle under section thirteen of the Finance Act, 1920, is chargeable at the rate applicable to vehicles specified in sub-paragraph (a) of paragraph 4 of the Second Schedule to that Act, for any of the agricultural or other ancillary purposes for which exclusively the vehicle must be used if the duty is to remain chargeable at that rate.

10 & 11
Geo. 5. c. 18.

(12) In this section the expression "licence" means a licence to drive a heavy goods vehicle granted under

A.D. 1934. this section, and the expression "heavy goods vehicle" means a vehicle of any of the following classes which is constructed or adapted for hauling or carrying goods or burden of any description, that is to say, a heavy locomotive, a light locomotive, a motor tractor, a heavy motor-car, and a motor-car so constructed that a trailer may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne thereby.

PART IV.
—cont.

Transitional provisions as to certain drivers' licences.

32.—(1) Subsection (1) of the last foregoing section shall not have effect as respects the driving of a heavy goods vehicle by a person who, at the date of the commencement of that subsection, is the holder of a licence to drive a motor vehicle granted under Part I of the principal Act, or as respects the employment of such a person to drive such a vehicle, so long as that licence remains in force.

(2) With a view to spreading the work of granting licences to drive a heavy goods vehicle and licences to drive or act as conductor of a public service vehicle, the licensing authority, or the commissioners, as the case may be, may, on an application for such a licence made within four years from the passing of this Act, direct that any licence granted on the application shall, notwithstanding anything in the provisions of this Act or of the principal Act relating to the expiry of licences by the effluxion of time, unless previously revoked, continue in force during such period, being a period of not less than one nor more than three years from the date on which the licence is expressed to take effect, as the licensing authority or the commissioners, as the case may be, may at the time of the granting of the licence determine.

PART V.

LEGAL PROCEEDINGS, MISCELLANEOUS AND GENERAL.

Provisions as to certain legal proceedings.

33.—(1) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under section one hundred and twelve of the principal Act, or under section thirty-four of the Road and Rail Traffic Act, 1933 (which respectively relate

to the forgery of licences and other matters), may be so brought—

- (a) within a period of six months from the date of the commission of the alleged offence; or
- (b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence;

whichever period is the longer.

(2) Particulars of a conviction endorsed on a licence to drive a motor vehicle granted under Part I of the principal Act may be produced as prima facie evidence of the conviction.

(3) Where a person is prosecuted for driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment, or for an offence under section eleven of the principal Act (which relates to reckless or dangerous driving), or section twelve of the principal Act (which relates to careless driving), or section fifteen of the principal Act (which relates to driving when under the influence of drink or drugs), then, if at the time of the alleged offence he is the holder of a licence to drive a motor vehicle granted under Part I of the principal Act, he shall either cause it to be delivered to the clerk of the court not later than the day before the date appointed for the hearing, or send it by registered letter duly addressed to the clerk and posted at such a time that in the ordinary course of post it would be delivered not later than that day, or have it with him at the hearing and, if he is convicted of the offence, the court may require the licence to be produced to it.

(4) If default is made in the production of a licence pursuant to a requirement under the last foregoing subsection, the holder shall be guilty of an offence, and the licence shall be suspended from the time of the requirement until it is produced to the court.

(5) The provisions of subsections (3) and (4) of this section shall have effect, in the case of licences to which they apply, in substitution for the provisions of paragraph (a) of subsection (2) of section eight of the principal Act.

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PART V.

—*cont.*

Power to
convict for
reckless or
dangerous
driving on
trial for
man-
slaughter.

Power to
proceed
on charge
for careless
driving on
hearing of
charge for
reckless or
dangerous
driving.

34. Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under section eleven of the principal Act (which relates to reckless or dangerous driving) to find him guilty of that offence, whether or not the requirements of section twenty-one of the principal Act (which relates to notice of prosecutions) have been satisfied as respects that offence.

35.—(1) Where a person is charged before a court of summary jurisdiction with an offence under section eleven of the principal Act (which relates to reckless or dangerous driving) and the court is of the opinion that the offence is not proved, then, at any time during the hearing or immediately thereafter, the court may, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence under section twelve of the principal Act (which relates to careless driving) to be preferred forthwith against the defendant and may thereupon proceed with that charge, so however that he or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charge being so preferred, adjourn the hearing.

(2) A defendant in whose case the requirements of section twenty-one of the principal Act (which relates to notice of prosecutions) have been satisfied, or do not apply, as respects the alleged offence under section eleven of the principal Act, may be convicted on a charge preferred under the foregoing subsection, notwithstanding that those requirements have not been satisfied as respects the alleged offence under section twelve of the principal Act.

Light signals
(presump-
tion of
compliance
with
statutory
require-
ments).

36. For the purposes of section forty-nine of the principal Act a traffic sign (being a sign for regulating by means of light signals the movement of traffic) placed on or near a road shall be deemed to be of the prescribed size, colour, and type, or of another character authorised by the Minister under section forty-eight of the

principal Act, and to have been lawfully so placed, unless the contrary is proved. A.D. 1934.

—
PART V.
—*cont.*

37.—(1) A contravention of any provision of the principal Act or of this Act which is directed by the principal Act to be prosecuted under the Summary Jurisdiction Acts and which, if it had been triable on indictment, could competently have been libelled as an additional or an alternative charge in an indictment charging a person with culpable homicide in respect of the driving or attempted driving or use of a motor vehicle, or with a contravention of section eleven, or of section fifteen, of the principal Act may, notwithstanding such direction as aforesaid, be so libelled and may be tried accordingly.

Inclusion in indictment in Scotland of certain summary offences.

(2) This section shall extend to Scotland only.

38.—(1) Section one hundred and sixteen of the principal Act (which makes provision for the compensation of officers of local authorities who suffer loss by virtue of the principal Act or of anything done in pursuance or in consequence thereof) shall have effect, and shall be deemed always to have had effect, only in relation to loss suffered by virtue of section one hundred and five of the principal Act, or of section one hundred and twenty-two of the principal Act so far as regards the repeal by that section of enactments and provisions relating to the licensing of public service vehicles by local authorities, or of anything done in pursuance or in consequence thereof.

Amendment of s. 116 of principal Act.

(2) The amendments specified in the second column of the Second Schedule to this Act shall be made in the provisions of the principal Act specified in the first column of that Schedule, and the principal Act shall be deemed always to have had effect as if it had been originally enacted as so amended.

(3) Where an agreement has been made under section one hundred and five of the principal Act, and, in the case of an agreement entered into subject to confirmation or approval, confirmed or approved, before the first day of April, nineteen hundred and thirty-four, and compensation has (whether before that date or not) been granted for a loss as being, having regard to that agreement, a loss suffered by virtue of the said

A.D. 1934. section or of things done in pursuance or in consequence thereof, sums payable under the Fourth Schedule to the principal Act by way of compensation for that loss shall be paid out of the Road Fund notwithstanding anything in the foregoing provisions of this section.

—
PART V.
—cont.

Amend-
ments as
to licences
of drivers
and conduc-
tors of
hackney
carriages,
and of
certain stage
carriages, in
the Metro-
polis.

32 & 33 Vict.
c. 115.
23 & 24 Geo.
5. c. 14.

39. Section eight of the Metropolitan Public Carriage Act, 1869, as amended, extended, or applied by, or by any order made under, any subsequent enactment (including section fifty-one of the London Passenger Transport Act, 1933), shall have effect, as respects licences granted under the said section eight after the date appointed for the coming into operation of this section, with the substitution of three years for one year as the period during which a licence granted under the said section is, if not revoked or suspended, to be in force:

Provided that, with a view to spreading the work of granting such licences, where an application for the grant of such a licence is made within four years from the passing of this Act, the authority by whom the power of granting the licence is exercisable may direct that any licence granted on the application shall, if not revoked or suspended, continue in force during such period, being a period of not less than one nor more than three years from the date on which the licence is expressed to take effect, as the authority may at the time of the granting of the licence determine.

Conse-
quential
and minor
amend-
ments.

40. The amendments specified in the second column of the Third Schedule to this Act (which relate to consequential and minor matters) shall be made in the enactments specified in the first column of that Schedule.

Application
to Scotland.

41. This Act shall apply to Scotland, subject to the following modifications—

(1) For subsection (9) of section one, the following subsection shall be substituted:—

“(9) In this section, the expression ‘local authority’ means as respects any length of road the county or town council responsible for the maintenance and management thereof.”

(2) For subsection (5) of section two the following subsection shall be substituted:—

“(5) Any reference in subsection (6) of section ten of the principal Act to an offence

under the said section or to an infringement of the provisions thereof, and any reference in subsection (8) of section one hundred and nineteen of the principal Act to an offence against that Act or against section ten thereof, shall be deemed to include a reference to driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment."

A.D. 1934.

—
PART V.
—*cont.*

- (3) Subsections (5) and (6) of section six shall have effect as if for the words "a court of summary jurisdiction" and the words "the court" wherever they occur, there were substituted the words "the sheriff," and as if for the words "acting for the petty sessional division in which" there were substituted the words "within whose jurisdiction."
- (4) Subsection (1) of section ten shall have effect as if the words "by virtue of any enactment relating to interest on judgments" were omitted therefrom.
- (5) Subsection (4) of section eighteen shall have effect as if for the councils therein mentioned there were substituted, as regards a burgh the town council of which is responsible for the maintenance and management of all or any of the highways therein, that town council, and, as regards a county inclusive of any burgh other than as aforesaid situate therein, the county council, and any reference to a borough, an urban district or a rural district in a county shall be construed accordingly :

Provided that a classified road in any such burgh as aforesaid not being a large burgh and crossings thereon may be included in a scheme submitted by the council of the county in which such burgh is situate, and shall not be included in any scheme submitted by the town council of such burgh.

- (6) A county council shall, before arriving at a decision as to the exercise of any power conferred

A.D. 1934.

PART V.
—cont.

on them by this Act with regard to a classified road in a burgh, consult with the town council of such burgh.

- (7) Subsection (7) of section one, subsection (7) of section eighteen and the new subsection directed by subsection (2) of section twenty-two to be inserted in section fifty-nine of the principal Act shall have effect as if the word “summarily” were omitted therefrom.
- (8) For section twenty-three the following section shall be substituted:—
- “(1) A county council shall have the like powers with regard to the lighting of any road in the landward area of the county not included in a special lighting district as they have with regard to roads so included, and the expenditure incurred by a county council in the exercise of the powers conferred by this section shall be defrayed out of a rate to be levied in equal proportions on owners and occupiers throughout the landward area of the county exclusive of any special lighting district.
- (2) In this section the expression ‘special lighting district’ means a special lighting district formed in pursuance of section forty-four of the Local Government (Scotland) Act, 1894.
- (3) Section forty-nine of the Lanarkshire County Council Order, 1925, is hereby repealed.”
- (9) Subsection (8) of section thirty-one shall have effect as if for the appeal therein mentioned there were substituted an appeal to the sheriff within whose jurisdiction the applicant resides.
- (10) Section thirty-five shall not apply.
- (11) The expression “plaintiff” shall mean pursuer and the expression “manslaughter” shall mean culpable homicide.

57 & 58
Vict. c. 58.

- (12) For the purposes of this section the expressions “classified road” and “large burgh” have the like meanings as in the Local Government (Scotland) Act, 1929.

A.D. 1934.

—
PART V.
—cont.

42.—(1) This Act may be cited as the Road Traffic Act, 1934, and shall be construed as one with the principal Act, and Parts I, II, III and IV respectively of this Act shall be construed as one with Parts I, II, III and IV respectively of the principal Act, and this Act and the principal Act and the Road Traffic (Amendment) Act, 1931, may be cited together as the Road Traffic Acts, 1930 to 1934.

Short title,
citation,
construc-
tion, com-
mencement
and extent.

(2) In this Act, unless the context otherwise requires, any reference to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, including this Act.

(3) 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.

- (4) This Act shall not extend to Northern Ireland.

A.D. 1934.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

LIMITS OF SPEED.

Class of Vehicle.	Maximum Speed, Miles per Hour.
1. <i>Passenger vehicles</i> , that is to say, vehicles constructed solely for the carriage of passengers and their effects :—	
(1) If the vehicle is a heavy motor car or is adapted to carry more than seven passengers, exclusive of the driver, and is not drawing a trailer, and if the first condition as to tyres is satisfied - - - -	30
(2) If the vehicle is adapted to carry not more than seven passengers exclusive of the driver, and is not a heavy motor car, and is drawing a two-wheeled trailer, and if the first condition as to tyres is satisfied -	30
(3) Invalid carriages - - - - -	20
(4) In any other case (except a vehicle as respects which the first condition as to tyres is satisfied, and which is adapted to carry not more than seven passengers exclusive of the driver, and which is not drawing a trailer) - - - - -	20
2. <i>Goods vehicles</i> , that is to say, vehicles constructed or adapted for use for the conveyance of goods or burden of any description :—	
(1) When not drawing a trailer—	
(a) Motor cars and motor cycles, if the first condition as to tyres is satisfied; and motor cars not exceeding one ton in weight unladen and motor cycles, if the second condition as to tyres is satisfied -	30
(b) Motor cars exceeding one ton in weight unladen, if the second condition as to tyres is satisfied - - - - -	20

Class of Vehicle.	Maximum Speed, Miles per Hour.	A.D. 1934. — 1st Sch. —cont.
(c) Heavy motor cars, if the first condition as to tyres is satisfied and the vehicle—		
(i) is constructed or adapted for the conveyance of horses and their attendants and used solely for that purpose; or		
(ii) does not exceed five tons in weight unladen and is not fitted with a body and is not carrying any load other than that required for the purposes of testing - - - -	30	
(d) Other heavy motor cars, if the first or the second condition as to tyres is satisfied -	20	
(2) When drawing a trailer—		
(a) if the first condition as to tyres is satisfied, or if the trailer is attached to the drawing vehicle by partial superimposition in such manner as to cause a substantial part of the weight to be borne by the vehicle and the second condition as to tyres is satisfied	20	
(b) if the trailer is not so attached to the drawing vehicle as aforesaid and the second condition as to tyres is satisfied	12	
(3) If neither the first nor the second condition as to tyres is satisfied - - - -	5	
3. Locomotives and motor tractors—		
(1) Heavy locomotives - - - -	5	
(2) Light locomotives—		
(a) when not drawing a trailer or not drawing more than two trailers, if the first or the second condition as to tyres is satisfied - - - -	12	
(b) in any other case - - - -	5	
(3) Motor tractors—		
(a) when not drawing a trailer, if the first or the second condition as to tyres is satisfied - - - -	20	
(b) when drawing a single trailer—		
(i) if the first condition as to tyres is satisfied - - - -	20	

A.D. 1934.	Class of Vehicle.	Maximum Speed, Miles per Hour.
1st Sch. —cont.	(ii) if the second condition as to tyres is satisfied - - - - -	12
	(c) in any other case - - - - -	5

For the purposes of this Schedule—

- (a) satisfaction of the first condition as to tyres means that all the wheels of the vehicle in question and, where the vehicle is drawing a trailer or trailers, of the trailer or trailers, are fitted with pneumatic tyres;
- (b) satisfaction of the second condition as to tyres means that the first condition as to tyres is not satisfied but that each of the wheels aforesaid is fitted with one or other of the following types of tyre, namely pneumatic, soft or elastic.

Section 38.

SECOND SCHEDULE.

AMENDMENTS OF SECTION 116 OF, AND THE FOURTH SCHEDULE TO, THE PRINCIPAL ACT.

Section one hundred and sixteen. In subsection (1), for the words “this Act”, where those words occur for the second time, there shall be substituted the words “section one hundred and five of this Act, or of section one hundred and twenty-two of this Act so far as regards the repeal by that section of enactments and provisions relating to the licensing of public service vehicles by local authorities”.

In subsection (2), for the words “this Act”, where those words occur for the last time, there shall be substituted the words “the provisions of this Act referred to in the foregoing subsection”.

Fourth Schedule - In paragraph 9, for the words “by virtue of this Act, or of anything done in pursuance or in consequence of this Act” there shall be substituted the words “by virtue of the matters referred to in subsection (1) of section one hundred and sixteen of this Act”.

For paragraph 14, there shall be substituted the following paragraph :—

A.D. 1934.

—
2ND SCH.
—cont.

“ 14. (1) In the case of sums payable under this Schedule by way of compensation for loss suffered by virtue of section one hundred and five of this Act or of anything done in pursuance or in consequence thereof,—

- (a) payment of the said sums shall be made by the local authority by whom the officer was employed at the date when the agreement under the said section was made;
- (b) the ultimate incidence of the liability in respect of the said sums shall be upon the parties to the agreement, or upon such of them, and in the case of more than one in such proportions, as may be determined by agreement between them or, in case of difference, by an arbitrator to be appointed by the Minister, and accordingly the local authority making the payment shall be entitled to recover from any other of the said parties, at such time or times as may be determined as aforesaid, any sums in respect of which that party is determined as aforesaid to be ultimately liable.

(2) Sums payable under this Schedule by way of compensation for loss suffered by virtue of section one hundred and twenty-two of this Act or of anything done in pursuance or in consequence thereof shall be paid out of the Road Fund.”

A.D. 1934.

THIRD SCHEDULE.

Section 40.

CONSEQUENTIAL AND MINOR AMENDMENTS.

Enactment to be amended.

Amendment.

The principal Act.

Section twenty-seven.

In subsection (4), the references to the erection and maintenance of weighbridges or other machines shall be deemed to include references to the provision and operation of weighbridges or other machines.

In subsection (5), the references to the erection of weighbridges or other machines shall be deemed to include references to the provision of weighbridges or other machines.

Section thirty-five -

At the end of subsection (4), there shall be inserted the words " or to any vehicle " at any time when it is being driven " for police purposes by or under the " direction of a police constable, or by " a person employed by a police " authority, or employed by the said " receiver, or on a journey to or from " any place undertaken for salvage " purposes pursuant to Part IX of " the Merchant Shipping Act, 1894."

Section forty-eight

In subsection (2), after the word " erection " there shall be inserted the words " or retention."

In subsection (3), after the words " no traffic signs " there shall be inserted the words " (other than traffic " signs placed by a council or local " authority in pursuance of an obliga- " tion imposed by or under this Act " or the Road Traffic Act, 1934) "

Enactment to be amended.	Amendment.	A.D. 1934.
		— 3RD SCH. — <i>cont.</i>
Section forty-nine -	After the words " to be followed by traffic " there shall be inserted the words " and being of the prescribed size, colour, and type, or of another character authorised by the Minister under the last preceding section "; and the words " in accordance with the provisions of the last preceding section " shall be omitted.	
Section fifty-seven -	<p>In subsection (2), after the words " removal of " there shall be inserted the words " footpaths and grass verges by the side of the road and "; and after the words " foot passengers " there shall be inserted the words " and the erection, maintenance, alteration, and removal of traffic signs ".</p> <p>In subsection (3), after the word " erection " there shall be inserted the words " provision, maintenance, or operation ".</p> <p>After subsection (4), there shall be inserted the following subsection :—</p> <p style="padding-left: 40px;">" (4a) Advances may be made out of the Road Fund towards any expenses incurred by a council or local authority, on whom any obligation is imposed by or under this Act, or the Road Traffic Act, 1934, in relation to the erection, maintenance, alteration, or removal of traffic signs, in the discharge of that obligation."</p> <p>In subsection (5), for the words " and (4) ", there shall be substituted the words " (4) and (4a) ".</p>	
Section seventy-two	In subsection (2), after the word " and " there shall be inserted the words " (except in so far as compliance with the provisions of the licence may have been dispensed with by the commissioners of the traffic area in which the vehicle is being used)".	

A.D. 1934. — 3RD SCH. —cont.	Enactment to be amended.	Amendment.
	Section seventy-four	In subsection (1), after the word "revoke" there shall be inserted the words " or suspend ".
	Section eighty	- The said section shall have effect, as respects licences granted after the date appointed for the coming into operation of this provision, with the substitution for subsection (1) of the following subsections :— <p style="margin-left: 40px;">" (1) A public service vehicle licence shall, unless previously revoked, continue in force for one year from the date on which it is expressed to take effect.</p> <p style="margin-left: 40px;">(1a) A licence to drive or act as conductor of a public service vehicle shall, unless previously revoked, continue in force for three years from the date on which it is expressed to take effect."</p> <p>At the end of subsection (2), there shall be inserted the following proviso :— <p style="margin-left: 40px;">" Provided also that the Minister may by regulations direct that, as respects licences to provide a road service of a kind specified in the regulations granted after a date therein specified, this subsection shall have effect with the substitution for the words ' one year ' of the words ' three years. ' "</p></p>
	Section eighty-one	- In subsection (1), in paragraph (b), after the word "grant" where that word first occurs, there shall be inserted the words " or variation ".
	Section one hundred and seven.	In subsection (3) for the word "prescribed" there shall be substituted the word "determined".
	Section one hundred and twelve.	In subsection (2), after the words "other person", there shall be inserted the words " or the variation of any licence, " or for the purpose of preventing the

Enactment to be
amended.

Amendment.

A.D. 1934.

—
3RD SCH.
—*cont.*

Section one hundred
and twelve—*cont.*

“ grant or variation of any licence, or
“ of procuring the imposition of any
“ condition or limitation in relation
“ to a licence ”.

Section one hundred
and nineteen.

In subsection (3), after the word
“ erection ” in both places where it
occurs there shall be inserted the
words “ or provision.”

Section one hundred
and twenty-one.

In subsection (1), for the definition of
“ Chief officer of police ” there shall be
substituted the following words
“ ‘Police authority’, ‘ chief officer of
“ police,’ and ‘ police fund ’ have the
“ same meanings, respectively, as in
“ the Police Pensions Act, 1921.”

At end of subsection (1), there shall be
inserted the words “ ‘ Salvage ’ means
“ the preservation of a vessel which is
“ wrecked, stranded, or in distress, or
“ the lives of persons belonging to, or
“ the cargo or apparel of, such a
“ vessel.”

In subsection (2), after the words “ while
being driven as aforesaid ”, there
shall be inserted the words “ or in
“ relation to motor vehicles used for
“ salvage purposes pursuant to Part
“ IX of the Merchant Shipping Act,
“ 1894 ”; and the reference to the
provisions of the First Schedule to the
principal Act shall be construed as if it
included a reference to the provisions
of any enactment, or of any statutory
rule or order, imposing a speed limit
on motor vehicles.

The Road and Rail Traffic Act, 1933.

Section thirty-four -

In subsection (3), after the words
“ variation of a licence ”, there shall
be inserted the words “ or for the
“ purpose of preventing the grant or
“ variation of any licence, or of
“ procuring the imposition of any
“ condition or limitation in relation to
“ a licence ”.

A.D. 1934.	Enactment to be amended.	Amendment.
3RD SCH. —cont.	Section thirty-six -	In subsection (1), the words "stage carriage" and the words "express carriage" shall be repealed, and at the end of the subsection there shall be inserted the words "and the expressions 'stage carriage', and 'express carriage' have the same meanings, respectively, as in the Road Traffic Act, 1934."

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