



Isle of Man

Ellan Vannin

AT 23 of 1985

ROAD TRAFFIC ACT 1985

The text of this Act is shown “as amended” by amendments found within the Justice Reform Act 2021, and any additional amendments set out within the Justice and Home Affairs (Reform and Miscellaneous Amendments) Bill 2025 once these take effect.



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ROAD TRAFFIC ACT 1985

Index

Section	Page
PART I – PRINCIPAL ROAD SAFETY PROVISIONS	9
<i>Offences connected with driving of motor vehicles</i>	9
1 Causing death by dangerous driving	9
1A Causing serious bodily harm by dangerous driving	9
2 Dangerous driving.....	10
2A Meaning of dangerous driving	10
2B Causing death by careless or inconsiderate driving	10
2C Causing serious bodily harm by careless or inconsiderate driving	10
3 Careless or inconsiderate driving	11
3ZA Meaning of careless or inconsiderate driving.....	11
3A Causing death by careless driving when under influence of drink or drugs	11
3B Causing death by driving and at the time unlicensed, disqualified or uninsured	12
4 Driving under age.....	12
5 Driving etc under influence of drink or drugs	12
5A Driving or being in charge of vehicle with alcohol above prescribed limit	13
5AA Driving or being in charge of a mechanically propelled vehicle with concentration of specified controlled drug above specified limit.....	13
TABLE	14
5B Preliminary breath test.....	15
5BA Preliminary drug test	16
6 Provision of specimens for analysis	18
7 Choice of specimens of breath	20
7A Protection for hospital patients.....	20
7B Detention of persons affected by alcohol or a drug	20
7C Use of specimens in proceedings for an offence under section 3A, 5, 5A or 5AA	21
7D Documentary evidence as to specimens in such proceedings.....	22
7DA Specimens of blood taken from persons incapable of consenting	23
7E Interpretation of section 3A and 5 to 7D	25
8 Motor racing on highways	26

9	Regulation of motoring events on public highways	26
10	Restriction on carriage of persons on motor cycles	27
	<i>Offences connected with riding of pedal cycles</i>	27
11	Dangerous cycling.....	27
12	Careless and inconsiderate cycling.....	28
13	Cycling when under influence of drink or drugs.....	28
14	Regulation of cycle racing on highways	28
15	Restriction on carriage of persons on bicycles	29
	<i>Offences connected with traffic generally</i>	29
16	Drivers to comply with traffic directions.....	29
17	Pedestrians, etc to comply with directions to stop given by constables regulating vehicular traffic	30
18	Special provisions as to stationary motor vehicles or trailers.....	30
18A	Parking near junctions.....	30
19	Leaving vehicles in dangerous positions	31
	<i>Accidents</i>	31
20	Duty of driver or rider of a vehicle on occurrence of an accident.....	31
21	General provisions as to accident inquiries.....	32
	<i>Ancillary provisions for preventing, or mitigating effects of, accidents</i>	33
22	Penalisation of tampering with motor vehicles	33
23	Penalisation of holding or getting on to a vehicle in order to be towed or carried	33
24	Protective helmets	33
25	Seat belts	34
25A	Causing danger to road-users	35
	<i>Manning of locomotives and trailers</i>	36
26	Requirements as to employment of persons to attend to locomotives and trailers	36
	<i>Restrictions on use of motor vehicles off roadway</i>	37
27	Control of use of footpaths for trials etc.....	37
28	Prohibition of driving motor vehicles elsewhere than on roads	37
28A	Restrictions on immobilisation of motor vehicles	38
29	Use by Department and others of vehicles and appliances on footpaths, etc	39
30	Vehicles prohibited on footways and central reservations	40
	<i>Road safety information and road training</i>	41
31	The Highway Code	41
32	Power of Department as to giving road safety information and training.....	42
33	Construction etc, and use	42
34	Licensing and disqualification of drivers	42
35	Driving instruction.....	42
36	Third-party liability	42

PART II – MISCELLANEOUS AND GENERAL	43
<i>Miscellaneous</i>	43
37 Saving as to road races.....	43
38 Adjustment of lights of motor vehicles	43
39 [Repealed]	43
40 Power of police to stop vehicles etc	43
41 Weighing of motor vehicles	43
42 Power of constable to require production of driving licences.....	45
43 Power of constables to obtain names and addresses of drivers and others, and to require production of evidence of insurance or security and test certificates	46
44 Penalisation of failure to give name and address, and power of arrest, in case of dangerous or careless driving or cycling, etc.....	47
45 Pedestrian contravening constable's direction to stop to give name and address	48
46 Owners of motor vehicles to give information to verify compliance with requirement of compulsory insurance or security	48
47 Duty to give information as to identity of driver, etc, in certain cases	48
<i>Seizure, retention and disposal etc of vehicles</i>	49
47A Power to seize and immobilize vehicles.....	49
47AA Enforcement of fines and vehicle duty	50
47B Removal retention, disposal and release etc of seized vehicles	52
47C Offences.....	53
47D Interpretation of sections 47A to 47C.....	53
<i>Forgery, false statements, etc</i>	55
48 Forgery of documents, etc	55
49 False statements and withholding material information	55
50 Issue of false evidence of insurance or security	56
51 Power to seize articles with respect to which offences under ss 51 to 53 may have been committed.....	56
52 Personation of or of person employed by authorised examiner, etc.....	57
<i>Prosecution and punishment of offences and other provisions relating to legal proceedings, etc</i>	57
53 Prosecution and punishment of offences	57
53A Driving disqualification where vehicle used for purposes of crime	58
54 Penalty for breach of regulations.....	59
55 Restrictions on prosecution for certain offences.....	59
56 Time within which summary proceedings for certain offences must be commenced.....	60
57 Evidence by certificate	61
58 Admissibility of records as evidence	61
58A Admissibility of evidence of speed etc	63
59 Proof, in summary proceedings of identity of driver of vehicle.....	64
60 Prosecutions.....	65
61 Destination of fines.....	65

	<i>Inquiries</i>	65
62	General power to hold inquiries	65
63	General provisions as to inquiries	65
	<i>Application to the Crown</i>	66
64	Application to Crown	66
	<i>Interpretation</i>	67
65	Interpretation of expressions relating to motor vehicles and classes thereof	67
66	Articulated vehicles	69
67	Hover vehicles	69
68	Certain vehicles not to be treated as motor vehicles	69
69	Use of invalid carriages on highways	70
70	Method of calculating weight of motor vehicles and trailers	70
71	Interpretation of statutory references to carriages	70
72	General interpretation provisions.....	71
	<i>Supplementary</i>	74
73	Power of Department to give effect to EU instruments.....	74
73A	Safety regulations	74
73B	Regulation of professional drivers.....	75
73C	Liability of directors, etc. of bodies corporate	76
74	Power to make, and Tynwald control over, regulations, orders etc	77
75	Provision, etc, of weighbridges	77
76	Expenses and receipts.....	78
77	References to Acts of Parliament.....	78
78	Application of regulations made under Acts of Parliament	78
79	Extension of the provisions of this Act to other roads	78
79A	Application of road traffic provisions to car parks	78
80	Savings, transitional provisions and amendments.....	79
81	Short title, commencement and construction.....	79
	SCHEDULE 1	81
	SUPPLEMENTARY PROVISIONS IN CONNECTION WITH PROCEEDINGS FOR OFFENCES UNDER SECTION 24(4) (PROTECTIVE HELMETS)	81
	SCHEDULE 2	83
	CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT	83
	SCHEDULE 3	104
	SCHEDULE 4	137
	DRIVING INSTRUCTION	137
	<i>Appeals</i>	145
	SCHEDULE 5	150
	THIRD-PARTY LIABILITIES	150

SCHEDULE 6	162
PROSECUTION AND PUNISHMENT OF OFFENCES	162
SCHEDULE 7	177
SAVINGS AND TRANSITIONAL PROVISIONS	177
SCHEDULE 8	181
AMENDMENT OF CERTAIN ENACTMENTS	181
SCHEDULE 9	181
ENDNOTES	183
TABLE OF LEGISLATION HISTORY	183
TABLE OF RENUMBERED PROVISIONS	183
TABLE OF ENDNOTE REFERENCES	183

**Isle of Man***Ellan Vannin*

ROAD TRAFFIC ACT 1985

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AN ACT to repeal and re-enact with amendments certain enactments relating to road traffic and for connected purposes.

GENERAL NOTES

1. References to the Treasurer are to be construed in accordance with the *Treasury Act 1985* s 7.
2. References to the Finance Board are to be construed in accordance with the *Treasury Act 1985* s 6.
3. References to a Board of Tynwald are to be construed in accordance with the *Government Departments Act 1987* s 7.

PART I – PRINCIPAL ROAD SAFETY PROVISIONS

Offences connected with driving of motor vehicles

1 Causing death by dangerous driving

[P1988/52/1; P1991/40/1]

A person who causes the death of another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.¹

1A Causing serious bodily harm by dangerous driving

A person who causes serious bodily harm to another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.²

2 Dangerous driving

[P1988/52/2; P1991/40/1]

A person who drives a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.³

2A Meaning of dangerous driving

[P1988/52/2; P1991/40/1]

- (1) For the purposes of sections 1, 1A and 2 a person is to be regarded as driving dangerously if (and, subject to subsection (2), only if) –
 - (a) the way he drives falls far below what would be expected of a competent and careful driver, and
 - (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.⁴
- (2) A person is also to be regarded as driving dangerously for the purposes of sections 1, 1A and 2 if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.⁵
- (3) In subsections (1) and (2) “dangerous” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to circumstances shown to have been within the knowledge of the accused.
- (4) In determining for the purposes of subsection (2) the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.⁶

2B Causing death by careless or inconsiderate driving

P1988/52/2B

A person who causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.⁷

2C Causing serious bodily harm by careless or inconsiderate driving

A person who causes serious bodily harm to another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.⁸

3 Careless or inconsiderate driving

[P1988/52/3; P1991/40/2]

A person who drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place is guilty of an offence.⁹

3ZA Meaning of careless or inconsiderate driving

P1988/52/3ZA

- (1) This section has effect for the purposes of sections 2B, 2C, 3 and 3A.
- (2) A person is to be regarded as driving without due care and attention if (and only if) the way the person drives falls below what would be expected of a competent and careful driver.
- (3) In determining for the purposes of subsection (2) what would be expected of a competent and careful driver in a particular case, regard must be had not only to the circumstances of which the accused could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.
- (4) A person is to be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by the person's driving.¹⁰

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

[P1988/52/3A; P1991/40/3]

- (1) If a person causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, and —
 - (a) he is, at the time when he is driving, unfit to drive through drink or drugs, or
 - (b) he has consumed so much alcohol that the proportion of it in his breath, blood or urine at that time exceeds the prescribed limit, or
 - (ba) he has in his body a specified controlled drug and the proportion of it in his blood or urine at that time exceeds the limit for that drug specified in the table set out in section 5AA(8);¹¹
 - (c) he is, within 18 hours after that time, required to provide a specimen in pursuance of section 6, but without reasonable excuse fails to provide it,he is guilty of an offence.
- (2) For the purposes of this section a person shall be taken to be unfit to drive at any time when his ability to drive properly is impaired.¹²

3B Causing death by driving and at the time unlicensed, disqualified or uninsured

P1988/52/3ZB

A person is guilty of an offence under this section if the person causes the death of another person by driving a motor vehicle on a road and, at the time when he or she is driving, the circumstances are such that the person is committing an offence under —

- (a) paragraph 1(1) of Schedule 3 (driving otherwise than in accordance with a licence);
- (b) paragraph 18 of Schedule 3 (driving while disqualified); or
- (c) paragraph 1(1) of Schedule 5 (using motor vehicle while uninsured or unsecured against third party risks).¹³

4 Driving under age

- (1) A person shall not drive on a road a motor vehicle of any class unless —
 - (a) he is of an age prescribed in relation to that class of vehicle; and
 - (b) he complies with such conditions (if any) as are prescribed in relation to a driver of his age and in relation to that class of vehicle.
- (2) A person who drives, or causes or permits a person to drive, a motor vehicle in contravention of subsection (1) shall be guilty of an offence.
- (3) Regulations made by the Department for the purposes of this section may make such consequential, transitional, incidental or supplemental provision as appears to the Department to be necessary or expedient for the purposes of the regulations.¹⁴

5 Driving etc under influence of drink or drugs

[P1988/52/4; P1991//40/4]

- (1) A person who, when driving or attempting to drive a mechanically propelled vehicle on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.
- (2) Without prejudice to subsection (1), a person who, when in charge of a mechanically propelled vehicle which is on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.
- (3) For the purposes of subsection (2), a person shall be deemed not to have been in charge of a mechanically propelled vehicle if he proves that at the material time the circumstances were such that there was no likelihood of his driving it so long as he remained unfit to drive through drink or drugs.
- (4) The court may, in determining whether there was such a likelihood as is mentioned in subsection (3), disregard any injury to him and any damage to the vehicle.

- (5) For the purposes of this section, a person shall be taken to be unfit to drive if his ability to drive properly is for the time being impaired.
- (6) A constable may arrest a person without warrant if he has reasonable cause to suspect that that person is or has been committing an offence under this section.
- (7) For the purpose of arresting a person under the power conferred by subsection (6), a constable may enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.¹⁵

5A Driving or being in charge of vehicle with alcohol above prescribed limit

[P1998/52/5]

- (1) If a person —
 - (a) drives or attempts to drive a mechanically propelled vehicle on a road or other public place, or
 - (b) is in charge of a mechanically propelled vehicle on a road or other public place,after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit he is guilty of an offence.
- (2) It is a defence for a person charged with an offence under subsection (1)(b) to prove that at the time he is alleged to have committed the offence the circumstances were such that there was no likelihood of his driving the vehicle whilst the proportion of alcohol in his breath, blood or urine remained likely to exceed the prescribed limit.
- (3) The court may, in determining whether there was such a likelihood as is mentioned in subsection (2), disregard any injury to him and any damage to the vehicle.¹⁶

5AA Driving or being in charge of a mechanically propelled vehicle with concentration of specified controlled drug above specified limit

[P1988/52/5A]

- (1) This section applies where a person (“driver”)—
 - (a) drives or attempts to drive a mechanically propelled vehicle on a road or other public place; or
 - (b) is in charge of a mechanically propelled vehicle on a road or other public place,and there is in the driver’s body a specified controlled drug.
- (2) The driver commits an offence if the proportion of the drug in the driver’s blood exceeds the limit specified in the table set out in subsection (8) for that drug.

- (3) It is a defence for a driver charged with an offence under this section to show that, —
- (a) the specified controlled drug had been prescribed or supplied to the driver for medical or dental purposes;
 - (b) the driver took the drug in accordance with any directions given by the person by whom the drug was prescribed or supplied, and with any accompanying instructions (so far as consistent with any such directions) given by the manufacturer or distributor of the drug; and
 - (c) the driver's possession of the drug immediately before taking it was not unlawful under section 5(1) of the *Misuse of Drugs Act 1976* (restriction of possession of controlled drugs) because of an exemption in regulations made under section 7 of that Act (authorisation of activities otherwise unlawful under foregoing provisions).
- (4) The defence in subsection (3) is not available if the driver's actions were, —
- (a) contrary to any advice, given by the person by whom the drug was prescribed or supplied, about the amount of time that should elapse between taking the drug and driving a mechanically propelled vehicle, or
 - (b) contrary to any accompanying instructions about that matter (so far as consistent with any such advice) given by the manufacturer or distributor of the drug.
- (5) If evidence is adduced that is sufficient to raise an issue with respect to the defence in subsection (3), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) It is a defence for a driver charged with an offence by virtue of subsection (1)(b) to prove that at the time the driver is alleged to have committed the offence the circumstances were such that there was no likelihood of the driver driving the vehicle whilst the proportion of the specified controlled drug in the driver's blood remained likely to exceed the limit specified in the table set out in subsection (8) for that drug.
- (7) The court may, in determining whether there was such a likelihood, disregard any injury to the driver and any damage to the vehicle.
- (8) The following table specifies the controlled drugs for the purposes of this section and, in each case, the limit in blood for the purposes of the offence under subsection (2).

TABLE

Controlled drug	Limit (micrograms per litre of blood)
Amphetamine	250
Benzoyllecgonine	50
Clonazepam	50
Cocaine	10
Delta-9-Tetrahydrocannabinol	2
Diazepam	550
Flunitrazepam	300
Ketamine	20
Lorazepam	100
Lysergic Acid Diethylamide	1
Methadone	500
Methylamphetamine	10
Methylenedioxymethamphetamine	10
6-Monoacetylmorphine	5
Morphine	80
Oxazepam	300
Temazepam	1000

- (9) The Department may make regulations amending the table in subsection (8).
- (10) The regulations may set the limit in respect of a controlled drug as zero.¹⁷

5B Preliminary breath test

[P1988/52/6]

- (1) If an accident occurs owing to the presence of a mechanically propelled vehicle on a road or other public place, a constable may, subject to subsection (4), require any person who he has reasonable cause to believe was driving or attempting to drive or in charge of the vehicle at the time of the accident to provide a specimen of breath for a preliminary breath test.¹⁹
- (2) Where a constable in uniform has reasonable cause to suspect that a person has been driving or attempting to drive or been in charge of a mechanically propelled vehicle on a road or other public place and has committed a serious driving offence whilst the vehicle was in motion, he may, subject to subsection (4), require him to provide a specimen of breath for a preliminary breath test.²⁰
- (3) A person may be required under subsection (1) or subsection (2) to provide a specimen either —
- at or near the place where the requirement is made, or
 - if the requirement is made under subsection (1) and the constable making the requirement thinks fit, at a police station specified by the constable.

- (4) While a person is at a hospital as a patient he shall not be required to provide a specimen of breath for a preliminary breath test unless the medical practitioner in immediate charge of his case has been notified of the proposal to make the requirement; and —
- (a) if the requirement is then made, it shall be for the provision of a specimen at the hospital, but
 - (b) if the medical practitioner objects on the ground that the requirement would be prejudicial to the proper care and treatment of the patient, the requirement shall not be made.²¹
- (5) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of this section is guilty of an offence.
- (6) A constable may arrest a person without warrant if —
- (a) as a result of a preliminary breath test he has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit, or²²
 - (b) that person has failed to provide a specimen of breath for a preliminary breath test when required to do so in pursuance of this section and the constable has reasonable cause to suspect that he has alcohol in his body,²³
- but a person shall not be arrested by virtue of this subsection when he is at a hospital as a patient.
- (7) A constable may, for the purpose of —
- (a) requiring a person to provide a specimen of breath under subsection (1) in a case where he has reasonable cause to suspect that the accident involved injury to another person, or
 - (b) arresting him in such a case under subsection (6),
- enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.
- (8) In this section "preliminary breath test" means a preliminary test for the purpose of obtaining, by means of a device of a type approved by the Department of Home Affairs, an indication whether the proportion of alcohol in a person's breath or blood is likely to exceed the prescribed limit.²⁴
- (9) [Repealed]^{25 26}

5BA Preliminary drug test

[P1988/52/6; 6C and 6D drafting]

- (1) If any of subsections (2) to (5) applies and a constable reasonably suspects the person in charge of the mechanically propelled vehicle has committed a serious driving offence whilst the vehicle was in motion, a constable may

require a person to undertake a preliminary drug test administered by that constable or another constable.

- (2) This subsection applies if a constable reasonably suspects that the person, —
- (a) is driving, is attempting to drive or is in charge of a mechanically propelled vehicle on a road or other public place; and
 - (b) has a drug in his body or is under the influence of a drug.
- (3) This subsection applies if a constable reasonably suspects that the person, —
- (a) has been driving, attempting to drive or in charge of a mechanically propelled vehicle on a road or other public place while having a drug in his body or while unfit to drive because of a drug; and
 - (b) still has a drug in his body or is still under the influence of a drug.
- (4) This subsection applies if a constable reasonably suspects that the person, —
- (a) is or has been driving, attempting to drive or in charge of a mechanically propelled vehicle on a road or other public place; and
 - (b) has committed a serious driving offence while the vehicle was in motion.
- (5) This subsection applies if, —
- (a) an accident occurs owing to the presence of a mechanically propelled vehicle on a road or other public place; and
 - (b) a constable reasonably believes that the person was driving, attempting to drive or in charge of the vehicle at the time of the accident.
- (6) A person commits an offence if without reasonable excuse he fails to undertake a preliminary drug test in pursuance of a requirement imposed under this section.
- (7) A constable may administer a preliminary drug test by virtue of any of subsections (2) to (4) only if he is in uniform.
- (8) A preliminary drug test is a procedure by which a specimen of sweat or saliva is, —
- (a) obtained; and
 - (b) used for the purpose of obtaining, by means of a device of a type approved by the Department of Home Affairs, an indication whether the person to whom the test is administered has a drug in his body.
- (9) A preliminary drug test may be administered, —
- (a) at or near the place where the requirement to co-operate with the test is imposed;

- (b) if the constable who imposes the requirement thinks it expedient, at a police station specified by him; or
 - (c) at a hospital.
- (10) A constable may arrest a person without warrant —
 - (a) if —
 - (i) the person fails to undertake a preliminary drug test; and
 - (ii) the constable reasonably suspects that the person has as drug in his body or is under the influence of a drug; or
 - (b) if as a result of a preliminary drug test he has reasonable cause to suspect that the proportion of drug in that person's blood exceeds the prescribed limit,

but the person shall not be arrested by virtue of this subsection when he is at a hospital as a patient.
- (11) A constable may, for the purpose of —
 - (a) requiring a person to undertake a preliminary drug test under subsections (1) and (5) in a case where he has reasonable cause to suspect that the accident involved injury to another person; or
 - (b) arresting him in such a case under subsection (10),

enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.²⁷

6 Provision of specimens for analysis

[P1988/52/7; P1996/25/63]

- (1) In the course of an investigation into whether a person has committed an offence under section 3A, 5, 5A or 5AA a constable may, subject to the following provisions of this section and section 7A, require him —
 - (a) to provide two specimens of breath for analysis by means of a device of a type approved by the Department of Home Affairs, or
 - (b) to provide a specimen of blood or urine for a laboratory test.²⁸
- (2) A requirement under this section to provide specimens of breath may only be made —
 - (a) at a police station;
 - (b) at a hospital; or
 - (c) at or near a place where a preliminary breath test has been administered or would have been so administered but for the person's failure to co-operate with it.²⁹
- (2A) A constable may not impose a requirement under subsection (2)(c) unless the constable —
 - (a) is in uniform: or

- (b) has imposed a requirement on the person concerned to cooperate with a preliminary breath test in circumstances where section 5B(1) applies.³⁰
- (3) A requirement under this section to provide a specimen of blood or urine can only be made —
 - (a) at a police station; or
 - (b) at a hospital.³¹
- (4) If the provision of a specimen other than a specimen of breath may be required in pursuance of this section the question whether it is to be a specimen of blood or a specimen of urine and, in the case of a specimen of blood, the question who is to be asked to take it shall be decided (subject to subsection (4A)) by the constable making the requirement.³²
- (4A) Where a constable decides for the purposes of subsection (4) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if —
 - (a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or
 - (b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner,and, where by virtue of this subsection there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead.³³
- (5) A specimen of urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.
- (6) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this section is guilty of an offence.
- (7) A constable must, on requiring any person to provide a specimen in pursuance of this section, warn him that a failure to provide it may render him liable to prosecution.
- (8) A constable may arrest a person without warrant if —
 - (a) the person fails to provide a specimen when required to do so in pursuance of this section; and
 - (b) the constable reasonably suspects that the person has alcohol or a drug in his body or is under the influence of a drug.^{34 35}

7 Choice of specimens of breath

[P1988/52/8]

Of any two specimens of breath provided by a person in pursuance of section 6, that with the lower proportion of alcohol in the breath must be used and the other must be disregarded.³⁶

7A Protection for hospital patients

- (1) While a person is at a hospital as a patient, no specimen shall be taken from that person nor shall that person be required to give permission for a laboratory test of a specimen taken unless the medical practitioner in immediate charge of the person's case —
 - (a) has been notified of the proposal to take the specimen or to make the requirement; and
 - (b) has not objected on the ground specified in subsection (2).
- (2) The ground on which the medical practitioner may object is, in a case falling within subsection (1), that the requirement or the provision of the specimen or (if one is required) the warning required by section 6(7) or section 7DA(5) would be prejudicial to the proper care and treatment of the patient.³⁷

7B Detention of persons affected by alcohol or a drug

[P1988/52/10]

- (1) Subject to subsections (2) and (3), a person required to provide a specimen of breath, blood or urine may afterwards be detained at a police station until it appears to the constable that, were that person then driving or attempting to drive a mechanically propelled vehicle on a road, he would not be committing an offence under section 5, 5A or 5AA.³⁸
- (2) A person shall not be detained in pursuance of this section if it appears to a constable that there is no likelihood of his driving or attempting to drive a mechanically propelled vehicle whilst, —
 - (a) the person's ability to drive properly is impaired;
 - (b) the proportion of alcohol in the person's breath, blood or urine exceeds the prescribed limit; or
 - (c) the proportion of the specified controlled drug in the person's blood exceeds the limit specified in the table set out in section 5AA(8) for that drug.³⁹
- (3) A constable must consult a medical practitioner on any question arising under this section whether a person's ability to drive properly is or might be impaired through drugs and must act on the medical practitioner's advice.⁴⁰

7C Use of specimens in proceedings for an offence under section 3A, 5, 5A or 5AA

[P1988/53/15]

- (1) This section and section 7D apply in respect of proceedings for an offence under section 3A, 5, 5A or 5AA.⁴²
- (2) Evidence of the proportion of alcohol or any drug in a specimen of breath, blood or urine provided by or taken from the accused shall, in all cases (including cases where the specimen was not provided or taken in connection with the alleged offence), be taken into account and —
 - (a) it is to be assumed, subject to subsection (3), that the proportion of alcohol in the accused's breath, blood or urine at the time of the alleged offence was not less than in the specimen; and
 - (b) it is to be assumed, subject to subsection (3A), that the proportion of a drug in the accused's blood or urine at the time of the alleged offence was not less than in the specimen.⁴³
- (3) The assumption in subsection (2)(a) shall not be made if the accused proves —
 - (a) that he consumed alcohol before he provided the specimen or before the specimen was taken and —
 - (i) in relation to an offence under section 3A, 5 or 5A, after the time of the alleged offence; and
 - (ii) otherwise, after he had ceased to drive, attempt to drive or be in charge of a vehicle on a road or other public place; and
 - (b) that had he not done so the proportion of alcohol in his breath, blood or urine would not have exceeded the prescribed limit and, if it is alleged that he was unfit to drive through drink, would not have been such as to impair his ability to drive properly.⁴⁴
- (3A) The assumption in subsection (2)(b) is not to be made if the accused proves, —
 - (a) that he took the drug before he provided the specimen or had the specimen taken from him and, —
 - (i) in relation to an offence under section 3A, 5, 5A or 5AA, after the time of the alleged offence; and
 - (ii) otherwise, after he had ceased to drive, attempt to drive or be in charge of a vehicle on a road or other public place; and
 - (b) that had he not done so the proportion of the drug in his blood or urine, —
 - (i) in the case of a specified controlled drug, would not have exceeded the limit specified in the table set out in subsection 5AA(8) for that drug; and

- (ii) if it is alleged that he was unfit to drive through drugs, would not have been such as to impair his ability to drive properly.⁴⁵
- (4) A specimen of blood shall be disregarded unless —
 - (a) it was taken with the consent of the accused and either —
 - (i) in a police station by a medical practitioner or a registered health care professional; or
 - (ii) elsewhere by a medical practitioner; or
 - (b) it was taken from the accused by a medical practitioner under section 7DA and the accused subsequently gave permission for a laboratory test of the specimen.⁴⁶
- (5) Where, at the time a specimen of blood or urine was provided by the accused, he asked to be provided with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless —
 - (a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen provided by the accused was divided at the time it was provided, and
 - (b) the other part was supplied to the accused.
- (6) Where a specimen of blood was taken from the accused under section 7DA, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless —
 - (a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and
 - (b) any request to be supplied with the other part which was made by the accused at the time when the accused gave permission for a laboratory test of the specimen was complied with.⁴⁷

7D Documentary evidence as to specimens in such proceedings

[P1988/53/16; P1996/25/1/37]

- (1) Evidence of the proportion of alcohol or a drug in a specimen of breath, blood or urine may, subject to subsections (3) and (4) and to section 7C(5) and (6),⁴⁸ be given by the production of a document or documents purporting to be whichever of the following is appropriate, that is to say⁴⁹ —
 - (a) a statement automatically produced by the device by which the proportion of alcohol in a specimen of breath was measured and a certificate signed by a constable (which may but need not be contained in the same document as the statement) that the statement relates to a specimen provided by the accused at the date and time shown in the statement, and

- (b) a certificate signed by an authorised analyst as to the proportion of alcohol or any drug found in a specimen of blood or urine identified in the certificate.
- (2) Subject to subsections (3) and (4), evidence that a specimen of blood was taken from the accused with his consent by a medical practitioner or a registered health care professional may be given by the production of a document purporting to certify that fact and to be signed by a medical practitioner or a registered health care professional.⁵⁰
- (3) Subject to subsection (4) —
 - (a) a document purporting to be such a statement or such a certificate (or both such a statement and such a certificate) as is mentioned in subsection (1)(a) is admissible in evidence on behalf of the prosecution in pursuance of this section only if a copy of it either has been handed to the accused when the document was produced or has been served on him not later than 7 days before the hearing, and
 - (b) any other document is so admissible only if a copy of it has been served on the accused not later than 7 days before the hearing.
- (4) A document purporting to be a certificate (or so much of a document as purports to be a certificate) is not so admissible if the accused, not later than 3 days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing of the person by whom the document purports to be signed.
- (5) A copy of a certificate required by this section to be served on the accused or a notice required by this section to be served on the prosecutor may be served personally or sent by registered post or recorded delivery service.
- (6) In this section “authorised analyst” means —
 - (a) any person possessing the qualifications prescribed by regulations under section 22(2) of the *Food Act 1996* as qualifying persons for appointment as a public analyst, and
 - (b) any other person authorised by the Department of Home Affairs to make analyses for the purposes of this section.⁵¹

7DA Specimens of blood taken from persons incapable of consenting

- (1) A constable may make a request to a medical practitioner for the practitioner to take a specimen of blood from a person (“A”) irrespective of whether A consents if —
 - (a) A is a person from whom the constable would (in the absence of any incapacity of A and of any objection under section 7A) be entitled under section 6 to require the provision of a specimen of blood for a laboratory test;

- (b) it appears to that constable that A has been involved in an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter;
 - (c) it appears to that constable that A is or may be incapable (whether or not A has purported to do so) of giving a valid consent to the taking of a specimen of blood; and
 - (d) it appears to that constable that A's incapacity is attributable to medical reasons.
- (2) A request under this section —
 - (a) shall not be made to a medical practitioner who for the time being has any responsibility (apart from the request) for the clinical care of A; and
 - (b) shall not be made to a medical practitioner other than a police medical practitioner unless —
 - (i) it is not reasonably practicable for the request to be made to a police medical practitioner; or
 - (ii) it is not reasonably practicable for such a medical practitioner (assuming the practitioner to be willing to do so) to take the specimen.
- (3) It shall be lawful for a medical practitioner to whom a request is made under this section, if the practitioner thinks fit —
 - (a) to take a specimen of blood from A irrespective of whether A consents; and
 - (b) to provide the sample to a constable.
- (4) If a specimen is taken in pursuance of a request under this section, the specimen shall not be subjected to a laboratory test unless A —
 - (a) has been informed that it was taken; and
 - (b) has been required by a constable to give permission for a laboratory test of the specimen; and
 - (c) has given permission.
- (5) A constable must, on requiring a person to give permission for the purposes of this section for a laboratory test of a specimen, warn that person that a failure to give the permission may render the person liable to prosecution.
- (6) A person who, without reasonable excuse, fails to permit a laboratory test of a specimen of blood taken from that person under this section is guilty of an offence.
- (7) In this section "police medical practitioner" means a medical practitioner who is engaged under any agreement to provide medical services for purposes connected with the activities of the police force.⁵²

7E Interpretation of section 3A and 5 to 7D

[P1988/52/11]

(1) The following provisions apply for the interpretation of sections 3A and 5 to 7D.

(2) In those sections —

“**controlled drug**” has the meaning given to that expression by section 2 of the *Misuse of Drugs Act 1976*;

“**drug**” includes any intoxicant other than alcohol;

“**hospital**” means an institution that provides medical or surgical treatment for in-patients or out-patients;

“**prescribed limit**” means the proportion of alcohol prescribed in 100 millilitres of a person’s breath, blood or urine but, if no proportion is prescribed, it means the following proportion of alcohol in 100 millilitres —

- (a) of a person’s breath — 35 micrograms;
- (b) of a person’s blood — 80 milligrams; or
- (c) of a person’s urine — 107 milligrams;

“**preliminary breath test**” has the meaning given to that expression by section 5B(8);

“**preliminary drug test**” has the meaning given to that expression by section 5BA(8);

“**registered health care professional**” means a person (other than a medical practitioner) who is —

- (a) a registered nurse; or
- (b) a registered member of a health care profession that is designated for the purposes of this paragraph by an order made by the Department;

“**specified controlled drug**” means a controlled drug specified in the table set out in section 5AA(8).⁵³

(2A) An order under subsection (2) shall be laid before Tynwald.⁵⁴

(3) A person does not provide a specimen of breath for a breath test or for analysis unless the specimen —

- (a) is sufficient to enable the test or the analysis to be carried out, and
- (b) is provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved.

(4) A person provides a specimen of blood if and only if —

- (a) that person consents to the taking of such a specimen; and

- (b) the specimen is taken by a medical practitioner or, if it is taken in a police station, either by a medical practitioner or by a registered health care professional.⁵⁵

(5) [Repealed]^{56 57}

8 Motor racing on highways

[P1972/20/14]

- (1) Subject to subsection (2), a person who promotes or takes part in a race or trial of speed between motor vehicles on a public highway shall be guilty of an offence.
- (2) This section shall not apply in the case of a race or trial of speed on public highways which are closed and the right of way thereover suspended by or under any enactment.⁵⁸

9 Regulation of motoring events on public highways⁵⁹

[P1972/20/15]

- (1) A person who promotes or takes part in a competition or trial (other than a race or trial of speed) involving the use of motor vehicles on a public highway shall be guilty of an offence unless the competition or trial —
 - (a) falls within subsection (2), or
 - (b) is authorised and is conducted in accordance with any conditions imposed by or under regulations under this section.
- (2) Subsection (1) shall not apply to —
 - (a) a competition in which no merit is attached to completing the competition with the lowest mileage and in which, as respects such part of the competition as is held on a public highway, there are no performance tests and competitors are not timed except that they may be required to finish by a specified time;
 - (b) a competition in which, as respects such part thereof as is held on a public highway, merit attaches to a competitor's performance only in relation to good road behaviour and compliance with the Highway Code; or
 - (c) a competition in which all the competitors are members of the armed forces of the Crown and which is designated solely for the purposes of their service training.
- (3) For the purpose of subsection (2) —
 - (a) a competitor is “required” to do something if the rules of the competition include a requirement of or an instruction to him, compliance with which carries merit or non-compliance with which carries de-merit, in the competition; and

- (b) “route” means a route which rules of the competition require, or are likely to cause, the competitors to travel.
- (4) The Department may by regulations authorise, or provide for authorising, the holding of such competitions and trials subject to such conditions, including conditions requiring the payment of fees, as may be imposed by or under the regulations.⁶⁰
- (5) Regulations may prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations.

10 Restriction on carriage of persons on motor cycles

[P1972/20/16]

It shall not be lawful for more than one person in addition to the driver to be carried on any two-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat, and if a person is carried on a cycle in contravention of this section the driver of the cycle shall be guilty of an offence.

Offences connected with riding of pedal cycles

11 Dangerous cycling

[P1988/52/28; P1991/40/7]

- (1) A person who rides a cycle, not being a mechanically propelled vehicle, on a road dangerously is guilty of an offence.
- (2) For the purposes of subsection (1) a person is to be regarded as riding dangerously if (and only if) —
 - (a) the way he drives falls far below what would be expected of a competent and careful cyclist, and
 - (b) it would be obvious to a competent and careful cyclist that riding in that way would be dangerous.
- (3) In subsection (2) “dangerous” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful cyclist in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to circumstances shown to have been within the knowledge of the accused.⁶¹

12 Careless and inconsiderate cycling

[P1972/20/18]

If a person rides a cycle, not being a mechanically propelled vehicle, on a road without due care and attention, or without reasonable consideration for other persons using the road, he shall be guilty of an offence.⁶²

13 Cycling when under influence of drink or drugs

[P1972/20/19]

- (1) A person who when riding a cycle, not being a mechanically propelled vehicle, on a road or other public place, is unfit to ride through drink or drugs shall be guilty of an offence.⁶³
- (2) [Repealed]⁶⁴
- (3) In this section “unfit to ride through drink or drugs” means, as regards a person riding a cycle, under the influence of drink or a drug to such an extent as to be incapable of having proper control of it.

14 Regulation of cycle racing on highways

[P1972/20/20]

- (1) A person who promotes or takes part in a race or trial of speed on a public highway between cycles, not being motor vehicles, shall be guilty of an offence, unless the race or trial is authorised, and is conducted in accordance with any conditions imposed, by or under regulations under this section.
- (2) The Department may by regulations authorise, or provide for authorising, for the purposes of subsection (1), the holding on a public highway of races or trials of speed of any class or description or a particular race or trial of speed, in such cases as may be prescribed and subject to such conditions as may be imposed by or under the regulations.⁶⁵
- (3) Regulations under this section may prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations.
- (4) Without prejudice to any other powers exercisable in that behalf, the Chief Constable may give such directions with respect to the movement of, or the route to be followed by, vehicular traffic, during such period, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of the holding of a race or trial of speed authorised by or under regulations under this section, including a direction that any road or part of a road specified in the direction shall be closed during any such period to vehicles or to vehicles of a class so specified.

- (5) This section shall not apply to the case of a race or trial of speed on public highways which are closed and the right of way thereover suspended by or under any enactment.⁶⁶

15 Restriction on carriage of persons on bicycles

[P1972/20/21]

- (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; and if a person is carried on a bicycle in contravention of this section, each of the persons carried shall be guilty of an offence.⁶⁷
- (2) In this section references to a person carried on a bicycle include references to a person riding the bicycle.

Offences connected with traffic generally

16 Drivers to comply with traffic directions

[P1972/20/22]

- (1) Where a constable in uniform is for the time being engaged in the regulation of traffic in a road, or where a traffic sign, being a sign of a size, colour and type prescribed by regulations made by the Department, or of another character authorised by the Department, under section 15 of the *Road Traffic Regulation Act 1985* has been lawfully placed on or near a road, a person driving or propelling a vehicle who —
- (a) neglects or refuses to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic when directed so to do by the constable in the execution of his duty; or
- (b) fails to comply with the indication given by the sign,
- shall be guilty of an offence.⁶⁸
- (2) A traffic sign shall not be treated for the purposes of this section as having been lawfully placed unless either —
- (a) the indication given by the sign is an indication of a statutory prohibition, restriction or requirement; or
- (b) it is expressly provided by or under any provision of this Act or of the *Road Traffic Regulation Act 1985* that this section shall apply to the sign or to signs of a type of which the sign is one;

and where the indication mentioned in paragraph (a) of this subsection is of the general nature only of the prohibition, restriction or requirement to which the sign relates, a person shall not be convicted of failure to comply with the indication unless he has failed to comply with the said prohibition, restriction or requirement.

- (3) For the purposes of this section a traffic sign placed on or near a road shall be deemed to be of a size, colour and type prescribed, or of a character authorised, as mentioned in subsection (1) and (subject to subsection (2)) to have been lawfully so placed, unless the contrary is proved.

17 Pedestrians, etc to comply with directions to stop given by constables regulating vehicular traffic

[P1972/20/23]

Where a constable in uniform is for the time being engaged in the regulation of vehicular traffic in a road, a person on foot, and a person driving, riding or leading an animal, who proceeds across or along the carriageway in contravention of a direction to stop given by the constable, in the execution of his duty, either to persons on foot or to persons on foot and other traffic, shall be guilty of an offence.

18 Special provisions as to stationary motor vehicles or trailers

- (1) If a person in charge of a motor vehicle or trailer allows the motor vehicle or trailer (except through accidental causes) to rest on any road —
- (a) on the right-hand or off-side of the road with the front of the motor vehicle facing on-coming traffic during the hours of darkness,
 - (b) and (c) [Repealed]⁶⁹
- he shall be guilty of an offence.

(1A), (1B) and (2) [Repealed]⁷⁰

- (3) This section and section 18A shall not apply to an ambulance, fire brigade vehicle or police vehicle during such time as the vehicle is in actual use for any emergency purpose, or to a motor vehicle or trailer during such time as it is in actual use by any coastguard service provided by the Department for the purposes of giving aid to persons in danger or vessels in distress on or near the coast or to a motor vehicle or trailer during such time as it is in actual use for civil defence or bomb disposal purposes.⁷¹

18A Parking near junctions

- (1) If a person in charge of a motor vehicle or trailer allows the motor vehicle or trailer (except through accidental causes) to rest on any road within 7 metres of the junction of such road with another road (measured, in the case of a road having a footway or verge, from the line of the kerb or edge thereof produced across the junction), he shall be guilty of an offence.
- (2) The Department may by order provide that subsection (1) shall not apply to any length of road, or any junction, specified in the order; and Schedule 2 to the *Road Traffic Regulation Act 1985* applies to an order under this subsection as it applies to an order under section 1 of that Act.⁷²

19 Leaving vehicles in dangerous positions

[P1972/20/24]

If a person in charge of a vehicle or a trailer causes or permits the vehicle or trailer to remain at rest on a road in such a position or in such condition or in such circumstances as to involve a danger of injury to other persons using the road, he shall be guilty of an offence.⁷³

*Accidents***20 Duty of driver or rider of a vehicle on occurrence of an accident**

- (1) This section applies where, owing to the presence of a vehicle on a road or on any other public place, an accident occurs in which —
 - (a) a person other than the driver or rider of the vehicle sustains a personal injury;
 - (b) an animal is injured or killed, not being an animal that was in, on or attached to the vehicle or that comprised it; or
 - (c) any relevant property other than the vehicle is damaged.
- (2) The driver or rider of the vehicle must stop the vehicle and keep it stationary at or near the place where the accident occurred for as long as is reasonably necessary to comply with subsection (3).
- (3) The driver or rider must —
 - (a) provide his name and address;
 - (b) provide the name and address of the owner of the vehicle; and
 - (c) in the case of a motor vehicle, provide its registration mark and (other than in the case of an invalid carriage) produce evidence of insurance or security for the vehicle,to any person who has reasonable grounds for requiring them.
- (4) If —
 - (a) for any reason the driver or rider fails or is unable to comply with a requirement under subsection (3); or
 - (b) nobody requires the driver or rider to comply with that subsection,the driver or rider must report the accident, provide the information and produce the evidence required by the subsection at a police station or to a constable as soon as possible but in any case within 24 hours of the occurrence of the accident.
- (5) Despite the fact that the driver or rider may have complied with subsection (3), if the accident has directly or indirectly resulted in personal injury to another person, the driver or rider must —
 - (a) report the accident; and

- (b) provide the information and produce the evidence required by subsection (3),
at a police station or to a constable as soon as possible but in any case within 24 hours of the occurrence of the accident.
- (6) Subject to subsection (7), a driver or rider commits an offence if he fails —
 - (a) to comply with subsection (2), (4) or (5); or
 - (b) to comply without reasonable excuse with subsection (3).
- (7) A driver or rider shall not be convicted of an offence under subsection (6)(a) for failing to comply with subsection (4) or (5) by reason only of failure to produce evidence of insurance or security for the vehicle if within 5 days after the occurrence of the accident the driver or rider produces the evidence at such police station as may be specified by him at the time when he reported the accident.
- (8) In this section —
 - “animal”, in respect of an animal that is injured or killed in an accident, means an ass or a horse, bovine animal, mule, sheep, pig, goat or dog;
 - “personal injury” includes injury resulting in death;
 - “relevant property” means any other vehicle or any other property on, constructed on, fixed to, growing in or otherwise forming part of the land on which the road or place where the accident occurred is situated or land adjacent to that road or place;
 - “rider”, in respect of a vehicle, does not include a passenger carried on a vehicle;
 - “vehicle” includes a ridden animal, a trailer drawn by an animal, or a trailer drawn by a vehicle other than an animal.⁷⁴

21 General provisions as to accident inquiries

[P1972/20/26]

- (1) Where an accident arises out of the presence of a motor vehicle on a road, the Department may direct an inquiry to be made into the cause of the accident.⁷⁵
- (2) Where any such accident has occurred, if a justice of the peace is satisfied on information in writing that there is reasonable cause he may issue a warrant in writing authorising an authorised person to enter premises at a reasonable time within 14 days of the issue of the warrant and then a person authorised by the Department in that behalf may, on production if so required of the warrant, inspect any vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time any premises where the vehicle is; and if a person obstructs a person so authorised in the performance of his duty under this subsection, he shall be guilty of an offence.⁷⁶

- (3) If in any case the Department considers that an inquiry to be made by it under this section should be made by means of the holding of a public inquiry, it may direct a public inquiry to be held.⁷⁷
- (4) A report made by or to the Department as the result of an inquiry under this section shall not be used in evidence by or on behalf of a person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.⁷⁸

Ancillary provisions for preventing, or mitigating effects of, accidents

22 Penalisation of tampering with motor vehicles

[P1972/20/29]

If, while a motor vehicle is on a road or on a parking place provided by a Department or a local authority, a person otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers with the brake or other part of its mechanism, he shall be guilty of an offence.⁷⁹

23 Penalisation of holding or getting on to a vehicle in order to be towed or carried

[P1972/20/30]

- (1) If a person otherwise than with lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion on a road, for the purpose of being carried, he shall be guilty of an offence.
- (2) If a person takes or retains hold of a motor vehicle or trailer while in motion on a road for the purpose of being drawn he shall be guilty of an offence.

24 Protective helmets

- (1) The Department may make regulations that require a person driving or riding in or on a motor vehicle of a specified class or riding on an animal of a specified class to wear a protective helmet of a specified description.
- (2) A person commits an offence if he drives or rides in or on a motor vehicle or rides on an animal in contravention of regulations made under subsection (1).
- (3) The Department may make regulations prescribing, by reference to shape, construction or any other quality, types of helmet recommended as affording protection to a person on or in a motor vehicle or riding on an animal from injury in the event of an accident.
- (4) A person commits an offence if he sells, or offers for sale, a helmet as a helmet for affording protection as mentioned in subsection (3) and the helmet is not of a type prescribed under that subsection.

- (5) However, a person shall not be convicted of an offence under subsection (4) in respect of the sale or the offer for sale of a helmet if he proves that it was sold or offered for sale for export from the British Islands.
- (6) Schedule 1 has effect in respect of a contravention of subsection (4).
- (7) If the Department is satisfied that safety regulations under Part II of the *Consumer Protection Act 1991* make appropriate provision for regulating the sale of helmets for use by persons in or on motor vehicles or riding on animals, the Department may by order repeal any provision of this section (except subsections (1) and (2)) and Schedule 1, and any relevant provision of Part I of Schedule 6, appearing to the Department to be superseded by the said Part II and those regulations.
- (8) In subsection (1) “specified” means specified in the regulations.
- (9) A reference in this section to sell or to offer for sale includes to let on hire or to offer to let on hire.
- (10) In this section and in Schedule 1 “helmet” includes any headgear.⁸⁰

25 Seat belts

[P1972/20/33A and 33B; P1981/56/27 and 28]

- (1) The Department may make regulations requiring, subject to such exceptions as may be prescribed, persons who are driving or riding in motor vehicles on a road to wear seat belts of such description as may be prescribed.⁸¹
- (2) Regulations under subsection (1) —
 - (a) may make different provision in relation to different classes of vehicles, different descriptions of persons and different circumstances, but shall not apply to children under the age of 14 years;
 - (b) shall include exceptions for —
 - (i) the users of vehicles constructed or adapted for the delivery of goods or mail to consumers or addressees, as the case may be, while engaged in making local rounds of deliveries;
 - (ii) the drivers of vehicles while performing a manoeuvre which includes reversing;
 - (iii) any person holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt;
 - (iv) the drivers of taxis which are being used for seeking hire, or answering a call for hire, or carrying a passenger for hire;
 - (c) may make any prescribed exceptions subject to such conditions as may be prescribed; and

- (d) may prescribe cases in which a fee of a prescribed amount may be charged on an application for any certificate required as a condition of any prescribed exception.
- (3) Any person who drives or rides in a motor vehicle in contravention of regulations under subsection (1) shall be guilty of an offence; but notwithstanding any enactment or rule of law, no person other than the person actually committing the contravention shall be guilty of an offence by reason of the contravention.
- (4) If the holder of any such certificate as is referred to in subsection (2)(b)(iii) is informed by a constable that he may be prosecuted for an offence under subsection (3), he shall not, in proceedings for that offence, be entitled to rely on the exception afforded to him by the certificate unless —
 - (a) it is produced to the constable at the time he is so informed; or
 - (b) within 5 days after the date on which he is so informed, it is produced at such police station as he may have specified to the constable.
- (5) Except as provided by regulations under subsection (6)(a), a person who, without reasonable excuse, drives a motor vehicle on a road when there is in the vehicle a child under the age of 14 years who is not wearing a seat belt in conformity with regulations under subsection (6)(c) and (d), shall be guilty of an offence.⁸²
- (5A) [Repealed]⁸³
- (6) Provision may be made by regulations —
 - (a) excepting from the prohibition in subsection (5) children of any prescribed description, vehicles of a prescribed class or the driving of vehicles in such circumstances as may be prescribed;⁸⁴
 - (b) [Repealed]⁸⁵
 - (c) prescribing for the purposes of subsection (5) the descriptions of seat belt to be worn by children of any prescribed description and the manner in which such a belt is to be fixed and used.⁸⁶
 - (d) requiring seat belts to be marked in such manner as is specified in the regulations.⁸⁷
- (7) In subsections (5) and (6) “seat belt” includes any description of restraining device for a child, and any reference to wearing a seat belt shall be construed accordingly.⁸⁸

25A Causing danger to road-users

[P1988/52/22A]

- (1) A person is guilty of an offence if he intentionally and without lawful authority or reasonable cause —
 - (a) causes anything to be on or over a road, or

- (b) interferes with a motor vehicle, trailer or cycle, or
 - (c) interferes (directly or indirectly) with traffic equipment,
- in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.
- (2) In subsection (1) “dangerous” refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that subsection what would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.
 - (3) In subsection (1) “traffic equipment” means —
 - (a) anything lawfully placed on or near a road by the Department;
 - (b) a traffic sign lawfully placed on or near a road by a person other than the Department;
 - (c) any fence, barrier or light lawfully placed on or near a road —
 - (i) in pursuance of section 67 of the *Highways Act 1986* (precautions when carrying out road works), or
 - (ii) by a constable or a person acting under the instructions (whether general or specific) of the Chief Constable.
 - (4) For the purposes of subsection (3) anything placed on or near a road shall unless the contrary is proved be deemed to have been lawfully placed there.⁸⁹

Manning of locomotives and trailers

26 Requirements as to employment of persons to attend to locomotives and trailers

[P1972/20/34]

- (1) The Department may by regulations provide that in such cases as may be prescribed —
 - (a) two persons shall be employed in driving or attending a heavy locomotive or light locomotive whilst it is being driven on a highway;
 - (b) where any such locomotive is drawing a trailer or trailers on a highway, one or more persons, in addition to the persons so employed, shall be employed for the purpose of attending to the trailer or trailers at the rate of one such additional person for each trailer in excess of one;
 - (c) where a motor vehicle other than a heavy locomotive or light locomotive is drawing a trailer or trailers on a highway, one person,

in addition to the driver of the vehicle, shall be carried either on the vehicle or on a trailer for the purpose of attending to the trailer or trailers.⁹⁰

- (2) For the purpose of this section “trailer” does not include a vehicle used solely for carrying water for the purposes of the drawing vehicle or an agricultural vehicle not constructed to carry a load.
- (3) If a person causes or permits a motor vehicle or trailer to be driven or drawn in contravention of regulations under this section, he shall be guilty of an offence.

Restrictions on use of motor vehicles off roadway

27 Control of use of footpaths for trials etc

[P1972/20/35]

- (1) No person shall promote or take part in a trial, race or competition of any description between horses or vehicles on a footpath unless the holding of the trial, race or competition has been authorised under this section by the Department.⁹¹
- (2) The Department shall not give an authorisation under this section unless satisfied that consent in writing to the use of any length of footpath for the purposes of the trial has been given by the owner and by the occupier of the land over which that length of footpath runs.⁹²
- (3) A person who contravenes subsection (1), or fails to comply with any conditions subject to which an authorisation under this section has been granted, shall be guilty of an offence.
- (4) No enactment prohibiting or restricting the use of footpaths or a specified footpath shall affect the holding of a trial or competition authorised under this section; but this section shall not prejudice any right or remedy of a person as having an interest in any land.

28 Prohibition of driving motor vehicles elsewhere than on roads

[P1972/20/36]

- (1) Except as otherwise provided by this section and section 29, a person is guilty of an offence if without lawful authority he drives or parks a motor vehicle —
 - (a) on an area of common land, moorland or other land of whatsoever description (not being land forming part of a road or land designated by an order of the Department under subsection (4)); or
 - (b) on a road or part of a road that is a bridle-path, cycle-path, cycle track or footpath.⁹³

- (2) It shall not be an offence under subsection (1) to drive a motor vehicle on any land within 13.5 metres of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.
- (3) A person shall not be convicted of an offence under subsection (1) with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.
- (4) The Department may, with the consent of the owner and the occupier of any land, by order designate the land for the purpose of this section as being land to which subsection (1)(a) shall not apply.

Section 36 (default procedure is laying only) of the *Legislation Act 2015* does not apply to an order made under this section.

Accordingly, no Tynwald procedure applies to such an order.⁹⁴

- (5) Subject to section 27, notwithstanding that such person is, or has the authority of, the owner or occupier of land over which there is a public right of way on foot only, other than a footway, it shall be an offence for that person to ride or drive a horse or use any vehicle upon or over that land in such a manner as to interfere with the use and enjoyment of that right of way by pedestrians.⁹⁵
- (6) Nothing in this section —
 - (a) prejudices the operation of any byelaws applying to any land;
 - (b) affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass; or
 - (c) in particular confers a right to park a vehicle on any land.

28A Restrictions on immobilisation of motor vehicles

- (1) This section applies to any land to which the public has access with vehicles (whether on payment or otherwise), not being land comprising or forming part of —
 - (a) a highway,
 - (b) a building, or
 - (c) the curtilage of a dwelling.
- (2) The reference in subsection (1) to land comprising or forming part of a building does not include a building, or a part of a building, which is used, with the consent of the occupier thereof, only or mainly for the parking of motor vehicles.
- (3) No person may attach an immobilisation device to a motor vehicle which has been permitted to remain at rest on land to which this section applies unless, at the time it came to rest, there was displayed on the land, in such

manner as is prescribed, a notice in a prescribed form warning that vehicles left there —

- (a) might be immobilised, and
 - (b) might not be released except on payment of such sum (not exceeding a prescribed amount) as is specified in the notice.
- (4) Without prejudice to any civil liability for trespass to or detention of the vehicle in question, any person who contravenes subsection (3) is guilty of an offence.
- (5) It is unlawful to require the owner or driver of a motor vehicle to pay, for or in consideration of the removal of an immobilisation device attached to the vehicle while it was at rest on land to which this section applies, a sum exceeding, or sums exceeding in the aggregate, the amount prescribed for the purpose of subsection (3)(b).
- (6) A contract term imposing a requirement which is unlawful by virtue of subsection (5) is to that extent void and of no effect; and any sum or sums paid pursuant to such a requirement, less the amount prescribed for the purpose of subsection (3)(b), shall be recoverable as money had and received to the payer's use.
- (7) In this section —
- “immobilisation device” means any device or appliance designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion;
- “owner”, in relation to a motor vehicle, includes a person keeping or using the vehicle.⁹⁶

29 Use by Department and others of vehicles and appliances on footpaths, etc

- (1) Despite sections 28(1) and 30(1) —
- (a) the Department;
 - (b) the Department of Environment, Food and Agriculture;
 - (c) a local authority; or
 - (d) a statutory undertaker,
- may use an appliance or a vehicle, whether or not mechanically operated or propelled, on a footpath, footway, bridle-path, cyclepath or cycle track, or on its verges, to clean, maintain or improve it or its verges or to place, maintain or alter a structure or other work on (or in) it, or on (or in) its verges.
- (2) The Department may make regulations prescribing the conditions under which the right conferred by subsection (1) may be exercised.

- (3) The regulations may in particular, in respect of an appliance or vehicle to be used in accordance with subsection (1), prescribe —
- (a) its construction;
 - (b) its maximum weight;
 - (c) the maximum weight to be borne by any of its wheels or axles;
 - (d) its maximum speed; and
 - (e) the hours during which it may be used.⁹⁷

30 Vehicles prohibited on footways and central reservations

- (1) Except as provided by an order made under subsection (5), a person who drives or rides a vehicle on a footway commits an offence if the person does so otherwise than to gain access to or egress from land adjoining the footway.
- (2) Except as provided by an order made under subsection (5), a person commits an offence if the person parks a vehicle wholly or partly on a footway or on land situated between two carriageways of a road.
- (3) It is a defence for a person charged with an offence under subsection (2) to show that the vehicle was parked —
- (a) in accordance with permission given by a constable in uniform;
 - (b) to save a life, to extinguish a fire or to meet any other like emergency; or
 - (c) in compliance with the conditions specified in subsection (4).
- (4) Those conditions are —
- (a) that the vehicle was parked so that it could be loaded or unloaded;
 - (b) that the loading or unloading could not have been satisfactorily performed elsewhere; and
 - (c) that the vehicle was not left unattended at any time while it was parked.
- (5) The Department may by order prescribe vehicles —
- (a) that may be driven or ridden on footways; or
 - (b) that may be parked on footways or on land situated between two carriageways of a road,

and the conditions under which they may be so driven, ridden or parked.

Section 36 (default procedure is laying only) of the *Legislation Act 2015* does not apply to an order made under this subsection.

Accordingly, no Tynwald procedure applies to such an order.

- (6) An order made under subsection (5) may apply —

- (a) to footways in general or to land situated between two carriageways of a road in general;
 - (b) to a prescribed footway or to a prescribed area of such land; or
 - (c) to footways, or areas of such land, of a prescribed character or description.
- (7) On the date on which an order mentioned in subsection (5) takes effect —
 - (a) any footway to which the order relates shall, in so far as the order prescribes vehicles that may be driven or ridden on it, become a highway over which the public have a right of way on foot and a right of way for driving or riding vehicles of the type prescribed by the order; or
 - (b) any footway or land to which the order relates shall, in so far as the order prescribes vehicles that may be parked on it, become a footway or land on which vehicles of the type prescribed by the order may be parked.
- (8) A reference in this section to a footway includes a part of a footway.
- (9) Schedule 2 to the *Road Traffic Regulation Act 1985* has effect as to the procedure for making orders under this section.⁹⁸

Road safety information and road training

31 The Highway Code

- (1) The Department must prepare a code (in this section referred to as “the Highway Code”) comprising such directions as appear to the Department to be proper for the guidance of persons using the roads.
- (2) The Highway Code may consist of the Highway Code having effect in Great Britain with such adaptations, exceptions or modifications as the Department thinks fit.
- (3) The Department may from time to time revise the Highway Code by revoking, varying, amending or adding to it in such manner as it thinks fit.
- (4) Subject to subsection (3), the Department must cause the Highway Code, in a form incorporating all current revisions and entitled “**The Manx Highway Code**”, to be printed and laid before Tynwald, and may cause copies of it to be sold to the public at such price as it may determine.
- (5) A failure on the part of a person to observe a provision of the Highway Code does not of itself render that person liable to criminal proceedings of any kind, but any such failure may be relied on in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act or the *Road Traffic Regulation Act 1985*) by any party to the

proceedings as tending to establish or to negative any liability which is in question in those proceedings.⁹⁹

32 Power of Department as to giving road safety information and training

[P1972/20/38]

The Department may provide for promoting road safety by disseminating information or advice relating to the use of roads and may make arrangements for giving practical training to road users or any class or description of road users.¹⁰⁰

33 Construction etc, and use

- (1) Schedule 2 shall have effect in relation to the regulation of construction, weight, equipment and use of vehicles and to the other matters specified in that Schedule.
- (2) Section 36 (default procedure is laying only) of the *Legislation Act 2015* does not apply to an order made under any of the following provisions of Schedule 2 —
 - (a) sub-paragraphs (1), (4) and (5) of paragraph 2A; and
 - (b) sub-paragraphs (2) and (3) of paragraph 3.

Accordingly, no Tynwald procedure applies to any such order.¹⁰¹

34 Licensing and disqualification of drivers

Schedule 3 shall have effect in relation to the licensing and disqualification of drivers of motor vehicles and to the other matters specified in that Schedule.

35 Driving instruction

Schedule 4 shall have effect in relating to the giving of driving instruction for payment and to the other matters specified in that Schedule.

36 Third-party liability

Schedule 5 shall have effect in relation to compulsory vehicle insurance or security against third-party risks and to the other matters specified in that Schedule.

PART II – MISCELLANEOUS AND GENERAL

Miscellaneous

37 Saving as to road races

Nothing in this Act affects the *Road Races Act 1982*.

38 Adjustment of lights of motor vehicles

- (1) Where any regulations made under this Act require a motor vehicle to be equipped with any dipping, diverting or other device, whereby the lights of such vehicle may be operated to prevent the driver of an approaching vehicle being dazzled by the headlights of such motor vehicle, the driver of such motor vehicle shall dip or divert such lights, or otherwise operate effectively the device so required, at a reasonable distance away from any approaching vehicle.
- (2) Any person failing to comply with the requirements of this section shall be guilty of an offence.

39 [Repealed]¹⁰²

40 Power of police to stop vehicles etc

[P1972/20/159]

A person —

- (a) driving a motor vehicle; or
- (b) riding a cycle, not being a motor vehicle; or
- (c) driving, riding or leading an animal;

on a road shall stop the same on being so required by a constable in uniform, and if he fails to do so he shall be guilty of an offence.

41 Weighing of motor vehicles

[P1972/20/160; P1974/50/14]

- (1) Subject to subsection (2) and to any regulations made by the Department, a person authorised by the Department, or a constable authorised on behalf of the Department or by the Chief Constable, may on production of his authority require the person in charge of a motor vehicle to allow the vehicle or any trailer drawn thereby to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles, but a vehicle shall not be required to stop to be weighed except by a constable in uniform.¹⁰³

- (2) If a person in charge of a motor vehicle refuses or neglects to comply with any such requirement or obstructs a person or constable so authorised in the exercise of his functions under this section, he shall be guilty of an offence.
- (3) A person or constable authorised in accordance with subsection (1) may not require the person in charge of the motor vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of its being weighed unladen.
- (4) Regulations under subsection (1) may make provision with respect to —
 - (a) the manner in which a vehicle or trailer is to be weighed or a weight is to be tested as mentioned in subsection (1); and
 - (b) the limits within which, unless the contrary is proved, any weight determined by a weighbridge or other machine for weighing vehicles is to be presumed to be accurate for the purposes of any provision made by or under this Act or by or under any other enactment relating to motor vehicles or trailers.
- (5) If, for the purpose of enabling a vehicle or a trailer drawn by it to be weighed or a weight to be tested in accordance with regulations under subsection (1) a person or constable authorised as mentioned in that subsection requires the person in charge of the vehicle to drive the vehicle or to do any other thing in relation to the vehicle or its load or the trailer or its load which is reasonably required to be done for that purpose and the person in charge of the vehicle refuses or neglects to comply with that requirement he shall be guilty of an offence under subsection (1).
- (6) If at the time when any requirement is made the vehicle is more than 10 kilometres from the weighbridge or other machine, and the weight is found to be within the limits authorised by law the Department on whose behalf the requirement is made shall pay, in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator agreed upon by the parties, or in default of agreement appointed by the Clerk of the Rolls.¹⁰⁴
- (7) Where a motor vehicle or trailer is weighed under this section, a certificate of weight shall be given to the person in charge of the vehicle, and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.
- (8) A certificate in the prescribed form which —
 - (a) purports to be signed by a person or constable authorised as mentioned in subsection (1); and
 - (b) states, in relation to a vehicle identified in the certificate, any weight determined in relation to that vehicle on the occasion of its being brought to a weighbridge or other machine in pursuance of a requirement under subsection (1),

shall be evidence of the matter so stated.

- (9) If, for the purposes of or in connection with the determination of any weight in relation to a vehicle which is brought to a weighbridge or other machine as mentioned in subsection (1), a person or constable authorised as mentioned in that subsection —
- (a) drives a vehicle or does any other thing in relation to a vehicle or its load or a trailer or its load, or
 - (b) requires the driver of a vehicle to drive it in a particular manner or to a particular place or to do any other thing in relation to a vehicle or its load or a trailer or its load,
- neither he nor any person complying with such a requirement shall be liable for any damage to or loss in respect of the vehicle or its load or the trailer or its load unless it is shown that he acted without reasonable care.
- (10) In this section “road” includes any land which forms part of a harbour vested in the Department, including the piers, quays, wharves, bridges and docks of any such harbour, and the works in connection therewith.¹⁰⁵

42 Power of constable to require production of driving licences

[1978/14/7 and Sch 1; P1972/20/161]

- (1) Any such person as follows —
- (a) a person driving a motor vehicle on a road; or
 - (b) a person whom a constable has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road; or
 - (c) a person whom a constable has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road; or
 - (d) a person who supervises the holder of a provisional licence granted under paragraph 6(2) of Schedule 3 while the holder is driving a motor vehicle on a road or whom a constable has reasonable cause to believe was supervising the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road,

shall, on being so required by a constable, produce his licence to drive a motor vehicle granted under Schedule 3, so as to enable the constable to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which it was issued.

- (2) Where a licence to drive a motor vehicle granted under Schedule 3 has been revoked by the Department under paragraph 4 or 7 of that Schedule, then, if the holder of the licence fails to deliver it to the Department in

pursuance of that paragraph a constable may require him to produce it and upon its being produced may seize it and deliver it to the Department.¹⁰⁶

- (3) Where a constable has reasonable cause to believe that the person to whom a licence has been granted under Schedule 3, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the licence, the constable may require the holder of the licence to produce it to him.
- (4) Subject to subsection (5), if a person required under the provisions of this section to produce a licence to a constable fails to do so he shall be guilty of an offence.
- (5) If within 5 days after the production of his licence was so required such person produces the licence in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under subsection (4).

43 Power of constables to obtain names and addresses of drivers and others, and to require production of evidence of insurance or security and test certificates

[P1972/20/162; P1974/50/10]

- (1) Any such person as follows —
 - (a) a person driving on a road a motor vehicle (other than an invalid carriage); or
 - (b) a person whom a constable has reasonable cause to believe to have been the driver of a motor vehicle (other than an invalid carriage) at a time when an accident occurred owing to its presence on a road or other public place; or¹⁰⁷
 - (c) a person whom a constable has reasonable cause to believe to have committed an offence in relation to the use on a road of a motor vehicle (other than an invalid carriage),

shall, on being so required by a constable, give his name and address and the name and address of the owner of the vehicle and produce for examination the relevant certificate of insurance or certificate of security within the meaning of Schedule 5, or such other evidence that the vehicle is not or was not being driven in contravention of paragraph 1 of Schedule 5 as may be prescribed by regulations made by the Department, and if he fails to do so he shall, subject to subsection (2), be guilty of an offence.¹⁰⁸

- (2) A person shall not be convicted of an offence under subsection (1) by reason only of failure to produce any certificate or other evidence to a constable if, within 5 days after the date on which the production of the certificate or other evidence was required, it is produced at such police

station as may have been specified by that person at the time when its production was required.

- (2A) Any person whom a constable has reasonable cause to believe to have committed an offence in relation to the use of a mechanically propelled vehicle on any land (other than a road) to which the public have or are permitted to have access shall, on being so required by a constable, give his name and address and the name and address of the owner of the vehicle; and if he fails to do so he shall be guilty of an offence.¹⁰⁹
- (3) A person who supervises the holder of a provisional licence granted under paragraph 6(2) of Schedule 3 while the holder is driving on a road a motor vehicle (other than an invalid carriage) or whom a constable has reasonable cause to believe was supervising the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road shall, on being so required by a constable, give his name and address and the name and address of the owner of the vehicle, and if he fails to do so he shall be guilty of an offence.
- (4) In this section “owner”, in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement.

44 Penalisation of failure to give name and address, and power of arrest, in case of dangerous or careless driving or cycling, etc

[P1972/20/164]

- (1) Any such person as the following, namely —
 - (a) the driver of a motor vehicle who is alleged to have committed an offence against section 2 or 3, or
 - (b) the rider of a cycle who is alleged to have committed an offence against section 11 or 12,

who refuses, on being so required by any person having reasonable ground for so requiring, to give his name or address, or gives a false name or address, shall be guilty of an offence.

- (2) A constable may —
 - (a) arrest without warrant the driver of a motor vehicle who within his view commits an offence against section 2 or 3 unless the driver either gives his name and address or produces for examination his licence to drive a motor vehicle granted under Schedule 3;
 - (b) arrest without warrant the rider of a cycle who within his view commits an offence against section 11 or 12 unless the rider gives his name and address.

45 Pedestrian contravening constable's direction to stop to give name and address

[P1972/20/165]

A constable may require a person committing an offence against section 17 to give his name and address, and if that person fails to do so he shall be guilty of an offence.

46 Owners of motor vehicles to give information to verify compliance with requirement of compulsory insurance or security

If under section 43 the driver of a motor vehicle is required to produce evidence of insurance or security for the vehicle, its owner commits an offence if he fails to give such information as he may be required by a constable to give so as to determine if the vehicle was being driven in compliance with the insurance or security requirement.¹¹⁰

47 Duty to give information as to identity of driver, etc, in certain cases

[P1972/20/168; P1974/50/24 and Sch 6 para 21]

- (1) This section applies —
 - (a) to any offence under the provisions of this Act except an offence under paragraph 4(4) or 6(4) of Schedule 2, or Schedule 4; and
 - (b) to any offence under the provisions of any other enactment relating to the use of vehicles on roads.
- (2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies —
 - (a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required to give by a constable or, in the case of an offence under section 30, by a constable or by or on behalf of the Department; and¹¹¹
 - (b) any other person shall if so required give any information which it is in his power to give and may lead to the identification of the driver.
- (3) In subsection (2) references to the driver of a vehicle include references to the person riding a cycle, not being a motor vehicle.
- (4) A person who fails to comply with the requirement of subsection (2)(a) shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle, or the rider of the cycle, was; and a person who fails to comply with the requirement of subsection (2)(b) shall be guilty of an offence.

*Seizure, retention and disposal etc of vehicles¹¹²***47A Power to seize and immobilize vehicles**

- (1) If any of the conditions in subsection (2), (3) or (4) is satisfied a constable may, in accordance with vehicles regulations made under section 47B and using reasonable force if necessary —
 - (a) seize and remove a motor vehicle; and
 - (b) in order to do so, enter any premises (other than a private dwelling house) where he or she has reasonable grounds for believing the vehicle to be.
- (2) The first condition is that —
 - (a) a constable requires, under section 43, a person to produce evidence that the motor vehicle is not or was not being driven on a road in contravention of paragraph 1(1) of Schedule 5 (users of motor vehicles to be insured or secured against third-party risks);
 - (b) the person fails to produce such evidence in accordance with that section; and
 - (c) the constable has reasonable grounds for believing that the vehicle is or was being driven on a road in contravention of that paragraph.
- (3) The second condition is that a constable —
 - (a) stops or otherwise comes upon a motor vehicle on a road, being a vehicle on which no current vehicle licence is exhibited; or
 - (b) has reasonable grounds for believing that no such licence was exhibited on a motor vehicle when it was on a road,and after making such lawful enquiries as he or she considers appropriate in the circumstances, has reasonable grounds for believing that no such licence has been displayed on that vehicle for a period exceeding one month.
- (4) The third condition is that a constable, after making such lawful enquiries as he or she considers appropriate in the circumstances, has reasonable grounds for believing that a motor vehicle has been driven on a road by a person who —
 - (a) was disqualified for holding or obtaining a driving licence;
 - (b) otherwise held no current driving licence;
 - (c) held a provisional licence authorising the person to drive the vehicle but was not accompanied by a person currently authorised by a full licence to drive it;
 - (d) held a full licence authorising the person to drive the vehicle subject to the same conditions as if he or she were authorised by a provisional licence to do so but was not so accompanied; or

- (e) was committing a serious driving offence connected with drink or drugs.
- (5) If, for any reason, a constable is unable to remove a motor vehicle immediately he or she may —
- (a) immobilise it while it remains in the road or place in which he or she finds it;
 - (b) move it from that road or place to another road or place and immobilise it in that other road or place; or
 - (c) authorise a contractor to do either of the things mentioned in paragraph (a) or paragraph (b),
- but the vehicle must be moved to a place of storage within the period of 24 hours beginning with the time at which any of the conditions in subsections (2) to (4) is first satisfied.
- (6) On any occasion when a vehicle is immobilised in accordance with this section, there must also be affixed to the vehicle a notice —
- (a) indicating that the vehicle is immobilised and warning that no attempt should be made to drive it or otherwise put it in motion; and
 - (b) giving such other information as may be prescribed.
- (7) If the vehicle has been removed to another place before immobilisation a copy of the notice described in subsection (6) must be placed at or near the place where the vehicle was found.
- (8) If a vehicle has been immobilised a person must not —
- (a) remove any notice that has been affixed to it under subsection (6);
 - (b) release or attempt to release it from any immobilisation device that has been fixed to it under subsection (5); or
 - (c) remove or attempt to remove it from the road or place where it was immobilised,
- unless the person is a constable or acting under the direction of a constable.¹¹³

47AA Enforcement of fines and vehicle duty

- (1) This section applies if an authorised person or a constable, after making such lawful enquiries as he or she considers appropriate in the circumstances, has reasonable grounds for believing that the owner of a motor vehicle owes a fine the payment of which has been outstanding for at least 35 days.
- (2) This section also applies if an authorised person, —
- (a) comes upon a motor vehicle on a road, being a vehicle on which no current vehicle licence is exhibited; or

- (b) has reasonable grounds for believing that no such licence was exhibited on a motor vehicle when it was on a road,

and, after making such lawful enquiries as he considers appropriate in the circumstances, has reasonable grounds for believing that no such licence has been displayed on the vehicle for a period exceeding one month.

Subsections (3) to (9) do not apply where the circumstances described in this subsection are in respect of a motor vehicle that is registered under the law of the United Kingdom.

- (3) The authorised person or constable may, in respect of the motor vehicle, exercise the functions given to a constable —
 - (a) under section 47A(1) to seize and remove the vehicle and, where this section applies by virtue of subsection (1), to enter premises other than a private dwelling house to do so using reasonable force if necessary; and
 - (b) under section 47A(5) to immobilise it, or before immobilisation to move it, or to authorise a contractor to do either of those things, if for any reason the authorised person or constable is unable to remove the vehicle immediately.
- (4) If a motor vehicle is seized, immobilised or removed by virtue of subsection (3) it is to be taken to have been seized, immobilised or removed under section 47A and accordingly section 47B shall apply.
- (5) However, section 47B shall apply as if —
 - (a) subsection (1)(b) read —
 - “(b) the release, forfeiture or disposal of such motor vehicles in accordance with the regulations”;
 - (b) subsection (2)(d)(i) read —
 - (i) of any fees, charges or costs or any fine or duty payable in accordance with the regulations; and
 - (c) subsection (2)(e)(iii) read —
 - “(iii) without limiting any civil claim, requiring such monies to be paid to or by the parties to the contract as are determined in accordance with the regulations;”
- (6) Where this section applies, references in or under sections 47A and 47B to a constable are to be taken to include references to an authorised person.
- (7) Except as otherwise provided by any regulations made under section 47B, a motor vehicle seized and removed by virtue of this section must not be released to its owner or any other person until the fees, charges or costs incurred in the seizure and retention of the vehicle have been paid together with —
 - (a) the fine mentioned in subsection (1); or

- (b) any vehicle duty payable in respect of the vehicle,
or both.
- (8) If the fees, charges or costs and any fine or duty are not paid in full within 35 days of the motor vehicle being seized it may be disposed of in accordance with regulations made under section 47B and any proceeds used to pay the fees, charges or costs and the fine or duty in accordance with such regulations.
- (9) If the proceeds are insufficient to pay the fine or duty in full —
 - (a) the fine or any unpaid part of it remains a fine; or
 - (b) the duty or any unpaid part of it continues to be payable,
as the case may be.
- (10) In this section —
 - “authorised person” means a person appointed by the Department and in subsection (1) includes a person appointed by a court and subsections (3) and (6) are to be construed accordingly;
 - “fine” means a fine in respect of any motoring offence and includes any compensation ordered to be paid by a court in respect of such an offence;
 - “vehicle duty” and “vehicle licence” have the same respective meanings as in the *Licensing and Registration of Vehicles Act 1985*.
- (11) The Department may make regulations amending this section.¹¹⁴

47B Removal retention, disposal and release etc of seized vehicles

- (1) The Department may by regulations make provision for —
 - (a) the removal, retention or storage of motor vehicles seized under section 47A; and
 - (b) the release, forfeiture or disposal of such motor vehicles in accordance with the regulations, including any role a court may have in determining a vehicle’s release, forfeiture or disposal.
- (2) Regulations under subsection (1) may, in particular, make provision about —
 - (a) giving notice of the seizure of a motor vehicle under section 47A to prescribed persons;
 - (b) enabling any property found in the vehicle to be removed, delivered into custody, returned or disposed of in accordance with the regulations (including provision as to determining entitlement to such property);
 - (c) the payment of fees, charges or costs in relation to the seizure, immobilisation, removal, storage or disposal of the vehicle and any application for its release;

- (d) the destination —
 - (i) of any fees, charges or costs payable in accordance with the regulations;
 - (ii) of the proceeds (if any) arising from the disposal of the vehicle and any property found in it;
 - (e) where the vehicle has been supplied under any contract of lease or hire, including a hire-purchase agreement, and despite any term of that contract —
 - (i) the vehicle's release to any party to the contract;
 - (ii) enabling any such contract to be nullified or varied on release of the vehicle; and
 - (iii) without limiting any civil claim, requiring such monies to be paid to or by the parties to the contract as the court determines in accordance with the regulations.
- (3) Except with the leave of the court, a claim shall not lie to a civil court in respect of the seizure, storage, retention, disposal or forfeiture of a motor vehicle, or of any property found in it, in pursuance or in purported pursuance of section 47A or of regulations made under this section.^{115 116}

47C Offences

A person commits an offence if the person —

- (a) contravenes section 47A(8);
- (b) intentionally obstructs a person in the exercise of his functions under section 47A or under regulations made under section 47B; or
- (c) provides evidence that the person knows to be false or misleading in a material particular in order to secure the release of a vehicle seized under section 47A.¹¹⁷

47D Interpretation of sections 47A to 47C

In sections 47A to 47C —

“contractor” means a person who has been appointed by the Chief Constable, the Chief Registrar or the Chief Officer of the Department to carry out, direct or supervise —

- (a) the immobilisation of motor vehicles, their removal to, storage at or release from a place of storage, or their destruction; or
- (b) the removal, storage or disposal of property found in motor vehicles,

including a person authorised by a person so appointed and, in the case of storage, a person to whom the storage has been sub-contracted;¹¹⁸

“**current**”, in relation to a driving licence, means not expired, cancelled, revoked or suspended;

“**current**”, in relation to a vehicle licence, means not expired or cancelled;

“**disposal**” includes sale or destruction;

“**driving licence**” means —

- (a) a licence granted under Schedule 3;
- (aa) a licence issued in the United Kingdom, the Channel Islands or Gibraltar;¹¹⁹
- (b) an EU licence as from time to time defined in regulations made under that Schedule;¹²⁰
- (c) a Convention driving permit as from time to time defined by an order made under section 1 of the Motor Vehicles (International Circulation) Act 1955;
- (d) a domestic driving permit as from time to time defined by such an order;

“**full licence**” means a licence granted under Schedule 3 other than a provisional licence;

“**immobilisation device**” means any device or appliance designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion;

“**immobilise**” means immobilise by —

- (a) the seizure of the ignition key or other device by means of which access to the vehicle may be gained and by means of which the vehicle’s engine may be started; or
- (b) the use of an immobilisation device;

“**private dwelling house**” does not include a garage or other structure occupied with the dwelling house or any land appurtenant to the dwelling house;

“**provisional licence**” has the same meaning as in Schedule 3;

“**serious driving offence connected with drink or drugs**” means an offence —

- (a) under section 3A (causing death by careless driving under the influence of drink or drugs), section 5(1) (driving etc under the influence of drink or drugs), section 5A(1)(a) (driving etc. with alcohol above the prescribed limit) or section 5AA(1)(a) and (2) (driving, etc., with specified controlled drug above the specified limit); or¹²¹
- (b) under section 6(6) (failing to provide a specimen) or section 7DA (failing to allow laboratory test of specimen of blood), where such an offence involves obligatory disqualification;

“**vehicle licence**” has the same meaning as in the Licensing and Registration of Vehicles Act 1985.¹²²

Forgery, false statements, etc

48 Forgery of documents, etc

[P1972/20/169; P1974/50/10 and Sch 2]

- (1) A person shall be guilty of an offence who, with intent to deceive —
 - (a) forges, or alters, or uses or lends to, or allows to be used by, any other person, a document or other thing to which this section applies; or
 - (b) makes or has in his possession any document or other thing so closely resembling a document or other thing to which this section applies as to be calculated to deceive.
- (2) This section applies to —
 - (a) a driving licence;
 - (b) a plating certificate within the meaning of paragraph 6E or 6FA of Schedule 2, or of section 49 of the Road Traffic Act 1988 (of Parliament);
 - (c) a plate required to be affixed to a vehicle by regulations made under paragraph 1 of Schedule 2;
 - (d) a document issued as evidence of the result of a test of competence to drive;
 - (e) a badge or certificate prescribed by regulations made under paragraph 2 of Schedule 4;
 - (f) evidence of insurance or security for a vehicle;
 - (g) a document produced as evidence of insurance pursuant to regulations made under paragraph 11 of Schedule 5;
 - (h) a certificate to which section 25(2)(b)(iii) relates;
 - (i) a Professional Driver’s Card.¹²³

49 False statements and withholding material information

[P1972/20/170]

- (1) A person shall be guilty of an offence who knowingly makes a false statement for the purpose —
 - (a) of obtaining the grant of a licence under any Schedule to himself or any other person; or
 - (b) of preventing the grant of any such licence; or
 - (c) of procuring the imposition of a condition or limitation in relation to any such licence; or

- (d) of securing the entry or retention of the name of any person in the register of approved instructors maintained under Schedule 4.
- (2) A person shall be guilty of an offence who, in supplying information or producing documents for the purposes of regulations under paragraph 1, 6E or 6FA of Schedule 2, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or produces, furnishes, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, furnishes, sends or otherwise makes use of a document which is false in a material particular.¹²⁴
- (3) A person shall be guilty of an offence who knowingly makes a false statement in a certificate or declaration under paragraph 5 of Schedule 2 (including that paragraph as applied by paragraph 6(3) of that Schedule).
- (4) A person commits an offence if he makes a false statement or withholds any material information to obtain the issue of evidence of insurance or security for a vehicle.¹²⁵
- (5) A person commits an offence if he makes a false statement or withholds any material information to obtain the issue of a Professional Driver's Card.¹²⁶

50 Issue of false evidence of insurance or security

A person commits an offence if he issues evidence of insurance or security for a vehicle that he knows is false in a material particular.¹²⁷

51 Power to seize articles with respect to which offences under ss 51 to 53 may have been committed

[P1972/20/173]

If a constable has reasonable cause to believe that a document produced to him in pursuance of paragraph 13 of Schedule 4 or in pursuance of any of the foregoing provisions of this Part, is a document in relation to which an offence has been committed under sections 48, 49 and 50, he may seize the document and when a document is seized under this subsection, the person from whom it was taken shall, unless the document has been previously returned to him or he has been previously charged with an offence under any of these sections, be summoned before a court of summary jurisdiction to account for his possession of the said document and the court shall make such order respecting the disposal of the said documents and award such costs as the justice of the case may require.¹²⁸

52 Personation of or of person employed by authorised examiner, etc

[P1972/20/174]

A person shall be guilty of an offence if, with intent to deceive, he falsely represents himself to be, or to be employed by, an examiner appointed for the purpose of any of the provisions of Schedule 2.

Prosecution and punishment of offences and other provisions relating to legal proceedings, etc

53 Prosecution and punishment of offences

[P1972/20/177]

- (1) Part I of Schedule 6 shall have effect with respect to the prosecution and punishment of the offences against the provisions of this Act specified in column 1 of that Part or regulations made thereunder (of which the general nature is indicated in column 2 thereof).
- (2) In relation to any such offence —
 - (a) column 3 of that Part shows whether the offence is punishable on summary conviction or on information or either in one way or the other;
 - (b) column 4 of that Part shows the maximum punishment by way of fine or imprisonment which may be imposed on a person convicted of the offence in the way specified in relation thereto in column 3 (that is to say, summarily or on information), any reference in column 4 to a period of years or months being construed as a reference to a term of imprisonment of that duration;
 - (c) column 5 of that Part shows in relation to which offences the court is required by paragraph 11(1) of Schedule 3 or empowered by paragraph 11(2) of that Schedule to order the person convicted to be disqualified for holding or obtaining a licence to drive a motor vehicle under Schedule 3, any reference in column 5 to obligatory disqualification importing such a requirement and any reference therein to discretionary disqualification importing such a power;
 - (d) column 6 of that Part shows in relation to which offences the court is required by paragraph 20(1) of Schedule 3 to order that particulars of the conviction, and, if the court orders him to be disqualified, particulars of the disqualification, are to be endorsed on any licence held by him;
 - (e) column 7 of that Part shows the number or range of penalty points required by paragraph 12(1) of Schedule 3 to be included in an endorsement under paragraph 20 of that Schedule on conviction of the offence; and
 - (f) column 8 of that Part applies to such of the offences against provisions of this Act specified in column 1 as are indicated by

entries against those offences in column 8 the additional provisions of this Act (relating to the prosecution and trial of such offences) specified in those entries.

- (3) Part II and column 1 of Part III of Schedule 6 show offences which are not offences under this Act and are not punishable thereunder but on conviction of which the court is required by paragraph 11(1) of Schedule 3 or, as the case may be, empowered by paragraph 11(2) of that Schedule to order the person convicted to be disqualified for holding or obtaining a licence to drive a motor vehicle under Schedule 3 and, in either case, required by paragraph 20(1) of that Schedule to order that particulars of the conviction and, if the court orders him to be disqualified, particulars of the disqualification, are to be endorsed on any licence held by him; and column 2 of Part III of Schedule 6 shows the number or range of penalty points required by paragraph 12(1) of Schedule 3 to be included in an endorsement under paragraph 20 of that Schedule on conviction of an offence specified in column 1 of that Part.
- (4) The provisions contained in Part IV of Schedule 6 (being provisions as to alternative verdicts, as to charges which may be preferred when a person is not convicted of an offence charged and as to the conviction of persons of certain offences despite the absence of a warning of prosecution of those offences) shall have effect in relation to such of the offences against provisions of this Act specified in column 1 of Part I of Schedule 6 as are indicated by entries against those offences in column 7 of that Part.
- (5) Part V of Schedule 6 shall have effect for the interpretation of that Schedule.
- (6) The Department may by order amend Schedule 6 so as to vary any of the punishments there shown.¹²⁹

53A Driving disqualification where vehicle used for purposes of crime

[P2000/6/147]

- (1) This section applies if a person is convicted —
 - (a) of an offence punishable with imprisonment for a term of two years or more; or
 - (b) of an assault.
- (2) The court that convicts the person may on conviction order that the person be disqualified, for such period as the court thinks fit, for holding or obtaining a driving licence if the court is satisfied —
 - (a) where subsection (1)(a) applies, that a motor vehicle was used, whether by the person convicted or by any other person, for the purpose of committing or facilitating the commission of the offence; or

- (b) where subsection (1)(b) applies, that the assault was committed by driving a motor vehicle.
- (3) Where an order is made by a court under subsection (2) in respect of an offence, the order shall have effect as if the offence were one to which paragraph 20(1) of Schedule 3 applied.
- (4) In this section —
 - “assault” means common assault and any other offence involving an assault including an offence of aiding, abetting, counselling or procuring, or inciting the commission of, common assault or an offence involving an assault;
 - “facilitating”, in respect of the commission of an offence, includes taking steps after the offence to dispose of property to which the offence relates or to avoid apprehension or detection.¹³⁰

54 Penalty for breach of regulations

[P1972/20/178]

If a person acts in contravention of any regulations made by the Department under this Act (other than regulations made under section 14, and paragraph 10 of Schedule 4), and contravention thereof is not made an offence under any other provision of this Act, he shall be guilty of an offence.¹³¹

55 Restrictions on prosecution for certain offences

[P1972/20/179; P1974/50/24 and Sch 6]

- (1) Subject to Part IV and of Schedule 6, this section applies to any offence under this Act to which it is applied by column 8 of the Table in Part I of that Schedule.¹³²
- (2) Subject to the following provisions of this section where a person is prosecuted for an offence to which this section applies he shall not be convicted unless either —
 - (a) he was warned at the time the offence was committed that the question of prosecuting him for some one or other of the offences to which this section applies would be taken into consideration; or
 - (aa) the offence is a fixed penalty offence within the meaning of Schedule 5A to the *Road Traffic Regulation Act 1985* and a fixed penalty notice for the offence was given or affixed under any provision of that Schedule; or¹³³
 - (b) within 14 days of the commission of the offence a summons for the offence was served on him; or
 - (c) within the said 14 days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed, was —

- (i) in the case of an offence against section 11 or 12, served on him,
- (ii) in the case of any other offence, served on him or on the person, if any, registered as the keeper of the vehicle at the time of the commission of the offence;

and the notice shall be deemed for the purposes of paragraph (c) to have been served on any person if it was sent by registered post or recorded delivery service addressed to him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him.¹³⁴

- (3) The requirement of subsection (2) shall in every case be deemed to have been complied with unless and until the contrary is proved.
- (4) The requirement of subsection (2) shall not apply in relation to an offence if, at the time of the offence or immediately thereafter, an accident occurs, whereby any personal injury is caused to any person, owing to the presence on a road of the vehicle in respect of which the offence was committed.
- (5) Failure to comply with the requirement of subsection (2) shall not be a bar to the conviction of the accused in a case where the court is satisfied —
 - (a) that neither the name and address of the accused nor the name and address of the registered keeper, if any, could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent in compliance with the said requirement; or
 - (b) that the accused by his own conduct contributed to the failure.

56 Time within which summary proceedings for certain offences must be commenced

[P1972/20/180]

- (1) Summary proceedings for an offence under this Act to which this section is applied by column 8 of Part I of Schedule 6 may be brought within a period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than 3 years after the commission of the offence.
- (2) For the purposes of this section a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

57 Evidence by certificate

[P1972/20/181]

- (1) In any proceedings for an offence under this Act to which this section is applied by column 8 of Part I of Schedule 6 or which is punishable by virtue of section 54 or for an offence against any other enactment relating to the use of vehicles on roads, a certificate in the prescribed form, purporting to be signed by a constable and certifying that a person specified in the certificate stated to the constable —
- (a) that a particular motor vehicle was being driven or used by, or belonged to, that person on a particular occasion, or
 - (b) that a particular motor vehicle on a particular occasion was used by, or belonged to, a firm in which that person also stated that he was at the time of the statement a partner, or
 - (c) that a particular motor vehicle on a particular occasion was used by, or belonged to, a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or to whom it belonged, as the case may be, on that occasion.

- (2) Nothing in subsection (1) shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.
- (3) Nothing in subsection (1) shall be deemed to make a certificate admissible as evidence in proceedings for an offence —
- (a) unless a copy thereof has, not less than 7 days before the hearing or trial, been served in the prescribed manner on the person charged with the offence, or
 - (b) if that person, not later than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.

58 Admissibility of records as evidence

[P1972/20/182]

- (1) A statement contained in a document purporting to be —
- (a) a part of the records maintained by the Department in connection with any functions exercisable by it by virtue of Schedule 3 or a part of any other records maintained by the Department with respect to vehicles; or¹³⁵

- (b) a copy of a document forming part of those records; or
- (c) a note of any information contained in those records,

and to be authenticated by a person authorised in that behalf by the Department shall be admissible in any proceedings as evidence of any fact stated therein to the same extent as oral evidence of that fact is admissible in those proceedings.¹³⁶

- (2) In subsection (1) —

“copy”, in relation to a document, means anything on to which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

“document” means anything in which information of any description is recorded; and

“statement” means any representation of fact, however made.¹³⁷

- (3) In subsection (1), references to the Department include references to an authority exercising corresponding functions in any part of the United Kingdom, the Republic of Ireland or any of the Channel Islands, and the references to Schedule 3 includes a reference to any corresponding provision in force in any part of the United Kingdom, the Republic of Ireland or any of the Channel Islands, as the case may be.¹³⁸

- (4) In any case where —

- (a) any such statement as is referred to in subsection (1) is produced to a court in any proceedings for an offence involving obligatory or discretionary disqualification, within the meaning of Schedule 3; and
- (b) the statement specified an alleged previous conviction of an accused person of any such offence, and
- (c) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed by rules under section 16 of the *Summary Jurisdiction Act 1956*, that not less than 7 days before the statement is so produced a notice was served on the accused specifying the previous conviction and stating that it is proposed to bring it to the notice of the court in the event of, or, as the case may be in view of his conviction; and
- (d) the accused is not present in person before the court when the statement is so produced,

the court may take account of the previous conviction as if the accused had appeared and admitted it.

58A Admissibility of evidence of speed etc

- (1) Subject to the following provisions of this section, evidence of a fact relevant to proceedings for an offence to which this section applies may be given by the production of —
 - (a) a record produced by a device of a type approved by the Department; and
 - (b) (in the same or another document) a certificate as to the circumstances in which the record was made, signed by a constable or by a person authorised by or on behalf of the Chief Constable.
- (2) This section applies to —
 - (a) an offence under section 16(1) consisting in a failure to comply with an indication given by a light signal that vehicular traffic is not to proceed;
 - (b) an offence under section 22 (speed limits) of the *Road Traffic Regulation Act 1985*;
 - (c) an offence under section 3(8) (temporary traffic restrictions) of that Act consisting in the contravention of a restriction on the speed of vehicles imposed by virtue of section 24 of that Act.
- (3) The Department may by order amend subsection (2) by adding offences to, or deleting offences from, the offences for the time being specified in that subsection; and an order under this subsection may make such transitional provision as appears to the Department to be necessary or expedient.
- (4) Any approval given by the Department for the purposes of this section may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used; and a record or measurement of a device of that type shall not be admissible as evidence of a fact relevant to proceedings for an offence to which this section applies unless those conditions are satisfied.
- (5) In proceedings for an offence to which this section applies, evidence —
 - (a) of a measurement made by a device, or of the circumstances in which it was made, or
 - (b) that a device was of a type approved for the purposes of this section, or
 - (c) that any conditions subject to which an approval was given were satisfied,may be given by production of a document complying with the requirements of subsection (6).
- (6) A document mentioned in subsection (5) must be signed as mentioned in subsection (1) and —

- (a) give particulars of the measurement or of the circumstances in which it was made, or
 - (b) state that a device was of a type so approved, or
 - (c) state that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied,as the case may be.
- (7) For the purposes of this section a document purporting to be a record of the kind mention in subsection (1), or to be a certificate or other document mentioned in subsection (1) or (5), shall be deemed to be such a record or to be so signed, unless the contrary is proved.
- (8) Nothing in subsection (1) or (5) —
 - (a) makes a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than 7 days before the hearing or trial, been served on the person charged with the offence; or
 - (b) makes a document admissible as evidence of anything other than the matters shown on a record made by a device of a type approved for the purposes of this section if that person, not less than 3 days before the hearing or trial or within such further time as the court in special circumstances may allow, served a notice on the prosecutor requiring attendance at the hearing or trial of the person who signed the document.¹³⁹

59 Proof, in summary proceedings of identity of driver of vehicle

[P1972/20/183]

Where on the summary trial of a summons for an offence under this Act to which this section is applied by column 8 of Part I of Schedule 6 or which is punishable by virtue of section 54 or for an offence against any other enactment relating to the use of vehicles on roads —

- (a) it is proved to the satisfaction of the court, on oath or in manner prescribed by rules made under ~~section 16 of the Summary Jurisdiction Act 1956~~ **section 91 of the Summary Jurisdiction Act 1989**, that a requirement under section 47(2) of this Act to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post; and
- (b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

60 Prosecutions

Save as otherwise expressly provided, proceedings for an offence under this Act may be instituted by the Department, the Chief Constable or any constable.¹⁴⁰

61 Destination of fines

All fines imposed in respect of offences under this Act or regulations made thereunder shall be paid into the general revenue of the Island.

*Inquiries***62 General power to hold inquiries**

Without prejudice to any other provision of this Act, the Department may hold inquiries for the purposes of this Act including inquiries into the subject matter of appeals to it under the provisions of this Act.¹⁴¹

63 General provisions as to inquiries

- (1) Where under any of the provisions of this Act the Department cause inquiries to be made the person conducting the inquiry may —
 - (a) by summons require any person to attend at such time and place as is set forth in the summons to give evidence, or to produce any document in his custody or under his control which relates to any cause or matter in question at the inquiry or the hearing of the appeal; and
 - (b) take evidence on oath, and for that purpose the person conducting the inquiry may administer oaths, or may instead of administering an oath require the person examined to make and subscribe a declaration of the truth of the matter in respect of which he is examined.¹⁴²
- (2) If any person refuses or wilfully neglects or fails without reasonable excuse to attend in obedience to a summons issued under this section, or to give evidence, or wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purposes of this section, or does anything which would, if the inquiry had been a court of law having power to commit for contempt, have been contempt of that court, the person conducting the inquiry may certify the offence of that person under his hand to the High Court, and the High Court may thereupon inquire into the alleged offence, and after hearing any witnesses who may be produced against or on behalf of that person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court.¹⁴³

- (3) A witness before the inquiry shall be entitled to the same immunities and privileges as if he were a witness before the High Court.¹⁴⁴
- (4) The person conducting the inquiry shall not at any of its proceedings for which the attendance of any witness is enforced or for which the production of any document is compelled under this section, refuse to allow the public or any portion of the public to be present at such proceedings unless in the opinion of the person conducting the inquiry, it is in the public interest expedient so to do for reasons connected with the subject matter of the inquiry or the nature of the evidence to be given.¹⁴⁵
- (5) The person conducting the inquiry may make orders as to the costs of the inquiry, the incidental costs incurred by it in connection with the inquiry and the costs of the parties at any such inquiry and as to the parties by whom such costs shall be paid, and the person conducting the inquiry may certify the amount of the costs so incurred, and any amount so certified and directed by the person conducting the inquiry to be paid by any authority or person shall be recoverable from that authority or person summarily as a civil debt, and every such order may be made a rule of the High Court on the application of any party named in the order.¹⁴⁶

Application to the Crown

64 Application to Crown

[P1972/20/188]

- (1) Subject to the provisions of this section —
 - (a) sections 1 to 28 and sections 30 and 31;
 - (b) sections 40, 41, 42, 44, 45, 52 and 55;
 - (c) Schedule 2;
 - (d) Schedule 3, except paragraph 19;shall apply to vehicles and persons in the public service of the Crown.
- (2) Section 4 (in so far as it imposes restrictions on persons under 21 years of age with respect to the driving of heavy locomotives, light locomotives, motor tractors, heavy motor cars or motor cars) shall not apply in the case of motor vehicles owned by the Secretary of State for Defence and used for naval, military or air force purposes, or in the case of vehicles so used while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.
- (3) Where an offence under this Act is alleged to have been committed in connection with a vehicle in the public service of the Crown, proceedings may be brought in respect of the offence against a person nominated for the purpose on behalf of the Crown; and subject to subsection (4), where any such offence is committed any person so nominated shall also be guilty of the offence as well as any person actually responsible for the

offence (but without prejudice to proceedings against any person so responsible).

- (4) Where a person is convicted of an offence by virtue of subsection (3) —
 - (a) no order may be made on his conviction save an order imposing a fine;
 - (b) payment of any fine imposed on him in respect of that offence may not be enforced against him; and
 - (c) apart from the imposition of any such fine, the conviction shall be disregarded for all purposes other than any appeal (whether by way of case stated or otherwise).

Interpretation

65 Interpretation of expressions relating to motor vehicles and classes thereof

[P1972/20/190]

- (1) Subject to subsection (2), in this Act “**motor vehicle**” means a mechanically propelled vehicle intended or adapted for use on roads, and “**trailer**” means a vehicle drawn by a motor vehicle.
- (2) A side-car attached to a motor cycle shall, if it complies with such conditions as may be specified in regulations made by the Department be regarded as forming part of the vehicle to which it is attached and not as being a trailer.¹⁴⁷
- (3) In this Act —
 - “**learner motor cycle**” means a motor cycle of such description as is prescribed;¹⁴⁸
 - “**moped**” means a motor vehicle of such description as is prescribed, being a vehicle propelled either —
 - (a) by electric power, or
 - (b) by an internal combustion engine the cylinder capacity of which does not exceed 50 cubic centimetres;¹⁴⁹
 - “**motor car**” means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen —
 - (i) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than 7 passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Department, does not exceed 3050 kilogrammes;¹⁵⁰
 - (ii) if it constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilogrammes, or 3500 kilogrammes if the vehicle carries a

container or containers for holding for the purpose of its propulsion any fuel which is wholly gaseous at 17.5° Celsius under a pressure of 1.013 bar or plant and materials for producing such fuel;

- (iii) does not exceed 2540 kilogrammes in a case falling within neither of the foregoing paragraphs;

“heavy motor car” means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds 2540 kilogrammes;

“motor cycle” means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilogrammes;

“invalid carriage” means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilogrammes and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person;

“motor tractor” means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion of loose tools and loose equipment, and the weight of which unladen does not exceed 7370 kilogrammes;

“light locomotive” means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles specified in respect of a motor tractor, and the weight of which unladen does not exceed 11690 kilogrammes but does exceed 7370 kilogrammes;

“heavy locomotive” means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of the articles specified in respect of a motor tractor and the weight of which unladen exceeds 11690 kilogrammes.

- (4) For the purposes of this section, in a case where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load.

- (5) For the purposes of this section, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load or goods or burden of any description, but shall be deemed to form part of the vehicle.

- (6) The Department may by regulations vary any of the maximum or minimum weights specified in the foregoing provisions of this section either generally or for the purpose of any provision of this Act; and

nothing in section 25 of the *Road Traffic Regulation Act 1985* shall be construed as limiting the powers conferred by this subsection.¹⁵¹

66 Articulated vehicles

[P1972/20/191]

A vehicle so constructed that it can be divided into two parts both of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of this Act as that motor vehicle with the other part attached as a trailer.

67 Hover vehicles

[P1972/20/192]

- (1) For the purposes of this Act a hovercraft within the meaning of the Hovercraft Act 1968 (an Act of Parliament) (in this section referred to as a hover vehicle) —
 - (a) shall be a motor vehicle, whether or not it is adapted or intended for use on roads; but
 - (b) shall be treated as not being a vehicle of any of the classes or descriptions defined in section 65(3).
- (2) The Department may by regulations provide —
 - (a) that any provision of this Act which would otherwise apply to hover vehicles shall not apply to them; or
 - (b) that any such provision which would not otherwise apply to hover vehicles shall apply to them.¹⁵²

68 Certain vehicles not to be treated as motor vehicles

[P1972/20/193]

- (1) The following are not motor vehicles for the purposes of this Act —
 - (a) a mechanically propelled vehicle that is controlled by a pedestrian and constructed to cut grass, being a vehicle that is incapable of being used or adapted for any other purpose;
 - (b) any other mechanically propelled vehicle of such class as may be specified by regulations made by the Department for the purposes of this section or paragraph 1 of Schedule 2; and
 - (c) an electrically assisted pedal cycle of such class as may be specified by regulations made by the Department for the purposes of this section or paragraph 1 of Schedule 2.¹⁵³
- (2) In subsection (1) “controlled by a pedestrian” means that the vehicle either —
 - (a) is constructed or adapted for use only under such control or,

- (b) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it.

69 Use of invalid carriages on highways

[P1970/44/20]

- (1) In the case of a vehicle which is an invalid carriage complying with the prescribed requirements and which is being used in accordance with the prescribed conditions —
 - (a) no statutory provision prohibiting or restricting the use of footways shall prohibit or restrict the use of that vehicle on a footway,
 - (b) if the vehicle is mechanically propelled it shall be treated for the purposes of this Act and the *Road Traffic Regulation Act 1985* as not being a motor vehicle; and
 - (c) whether or not the vehicle is mechanically propelled, it shall be exempted from the requirements of regulations under paragraphs 1 and 7 of Schedule 2 in relation to lighting equipment and reflectors.
- (2) In this section “invalid carriage” means a vehicle, whether mechanically propelled or not, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability.

70 Method of calculating weight of motor vehicles and trailers

[P1972/20/194]

For the purposes of this Act and of the *Road Traffic Regulation Act 1985*, and of any other enactment relating to the use of motor vehicles or trailers on roads, the weight unladen of a vehicle or trailer shall be taken to be the weight of the vehicle or trailer inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle or trailer when working on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, or, as the case may be, of any vehicle by which the trailer is drawn, and of loose tools and loose equipment.

71 Interpretation of statutory references to carriages

[P1972/20/195]

A motor vehicle or trailer shall be deemed to be a carriage within the meaning of any Act, and of any order, rule, regulation or bye-law made under any Act, and if used as a carriage of any particular class, shall for the purpose of any enactment relating to carriages of any particular class be deemed to be a carriage of that class.

72 General interpretation provisions

(1) In this Act —

“**authorised insurer**” means a person who, —

- (a) is authorised to carry on motor insurance business anywhere in the British Islands, Gibraltar or in the territory of a Member State of the European Union, and
- (b) is a member of the Motor Insurers’ Bureau;

“**bridle-path**” means a highway over which the public have the following rights of way (and, subject to section 91B of the *Highways Act 1986*, no other rights), namely a right of way on horseback or leading a horse and a right of way on foot;

“**carriage of goods**” includes the haulage of goods;

“**carriageway**” means a way comprised in a highway, being a way over which the public have a right of way for the passage of vehicles;

“**cycle**” means a bicycle, tricycle, or cycle having 4 or more wheels, not being in any case a motor vehicle;

“**cycle-path**” means a highway over which the public have the following (and no other) rights of way, namely a right of way on cycles, with or without a right of way on foot;

“**cycle track**” means a way comprised in a highway, being a way constructed or adapted for the use of cycles only, or cycles and pedestrians;

“**current**” means —

- (a) in respect of a driving licence, not expired, cancelled, revoked or suspended; and
- (b) in respect of a vehicle licence, not expired or cancelled;

“**Department**” means the Department of Infrastructure;

“**disability**” and “**disabled person**”, for the avoidance of doubt, must be construed in accordance with the *Equality Act 2017*;

“**driver**”, except in section 1, includes, if a separate person acts as steersman of a motor vehicle, that person as well as any other person engaged in driving the vehicle, and “**drive**” is to be construed accordingly;

“**drug**” includes an intoxicant other than alcohol;

“**EU instrument**” means any instrument that emanates from an EU institution and sets rules from time to time created or arising by or under the Treaties;

“**evidence of his authority**”, in relation to a person authorised by the Department to carry out a function under this Act, means evidence provided by the Department of his appointment;

“**evidence of insurance or security**”, in respect of a provision about a vehicle, means —

- (a) the relevant certificate of insurance or certificate of security for the vehicle as defined in Schedule 5, paragraph 5; or
- (b) other prescribed evidence that may be produced in lieu of such a certificate;

“**fail**” includes refuse;

“**fire brigade**” includes the airport fire and rescue service;

“**footpath**” means a way over which the public have a right of way on foot only;

“**footway**” means a way comprised in a highway that also comprises a carriageway, being a way constructed or adapted for the use of pedestrians;

“**forges**” has the same meaning as in the *Forgery Act 1952*;

“**full licence**” means a driving licence other than a provisional licence;

“**goods**” includes goods or burden of any description;

“**goods vehicle**” means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

“**hours of darkness**” means the time between half an hour after sunset and half an hour before sunrise;

“**insurance or security requirement**” means the requirement in paragraph 1(1) of Schedule 5 (users of motor vehicles to be insured or secured against third-party risks);

“**Lighting Act**” means the *Road Transport Lighting Act 1963*;

“**medical practitioner**” means a registered medical practitioner;

“**Motor Insurers’ Bureau**” means the company of that name limited by guarantee and incorporated in England under the Companies Act 1929 (of Parliament) on 14 June 1946;

“**Motor Insurers’ Information Centre**” means the company of that name limited by guarantee and incorporated in England under the Companies Act 1985 (of Parliament) on 8 December 1998;

“**owner**”, in respect of a vehicle that is the subject of a lease, hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under the lease or agreement;

“**prescribed**” means prescribed by regulations made by the Department;

“**Professional Driver’s Card**” means a card issued to a person in accordance with regulations made under section 73B, being a card that permits the person to drive a vehicle of a class prescribed for the purpose of that section;

“**provisional licence**” means a licence granted by virtue of paragraph 6(2) of Schedule 3;

“**regulations**” means regulations made under any provision of this Act;

“**road**” means a highway and any other road to which the public have access, and includes a footway or a verge forming part of a road, and a bridge over which a road passes;

“**serious driving offence**” means an offence under —

- (a) section 1 - causing death by dangerous driving;
- (b) section 1A - causing serious bodily harm by dangerous driving;
- (c) section 2 - dangerous driving;
- (d) section 2B - causing death by careless or inconsiderate driving;
- (e) section 2C - causing serious bodily harm by careless or inconsiderate driving;
- (f) section 3 - careless or inconsiderate driving;
- (g) section 3A - causing death by careless driving when under the influence of drink or drugs;
- (h) section 3B - causing death by driving and at the time unlicensed, disqualified or uninsured;
- (i) section 4 - driving under age;
- (j) section 5(1) - driving etc. under the influence of drink or drugs;
- (k) section 5A(1)(a) - driving etc. with alcohol above the prescribed limit;
- (l) section 5AA(1)(a) and (2) - driving etc. with proportion of controlled drug in blood exceeding the limit specified in the table set out in subsection 5AA(8) for that drug;
- (m) section 6(6) - failing to provide a specimen if the offence involves obligatory disqualification;
- (n) section 7DA(6) - failing to allow laboratory test of specimen of blood if the offence involves obligatory disqualification;

“**statutory undertaker**” means a person authorised by a statutory provision —

- (a) to carry on a railway, tramway or lighthouse undertaking;
- (b) to undertake the supply of gas, water, electricity or heating;
- (c) to operate a sewerage and sewer system; or
- (d) to operate an electronic communications code network (within the meaning of the *Communications Act 2021*), and “**statutory undertaking**” shall be construed accordingly;

“**traffic sign**” has the meaning assigned to that expression by section 15 of the *Road Traffic Regulation Act 1985*.

- (2) References in this Act to a class of vehicles shall be construed as references to a class defined or described by reference to any characteristics of the vehicles or to any other circumstances whatsoever.

- (3) The Department may by order amend the definition of “authorised insurer” in subsection (1).¹⁵⁴

Supplementary

73 Power of Department to give effect to EU instruments¹⁵⁵

- (1) The Department may by regulations prescribe such provisions as appear to it to be desirable for giving effect in the Island to any EU instrument relating to road transport.¹⁵⁶
- (2) Without prejudice to the generality of subsection (1) regulations under this section may —
- (a) apply, modify or exclude any of the provisions of this Act;
 - (b) provide for the punishment of contraventions of any provision of the regulations;
 - (c) contain such supplementary, incidental or consequential provisions, including the payment of fees, as appear to the Department to be necessary or expedient.¹⁵⁷
- (3) The powers conferred by subsection (2)(b) shall not include power to create any new criminal offence punishable on conviction of information with imprisonment for more than 2 years or punishable on summary conviction with imprisonment for more than 6 months or with a fine of more than level 5 on the standard scale.¹⁵⁸

73A Safety regulations

- (1) The Department may, after engaging in appropriate consultation, make regulations for the purpose of enhancing safety and reducing the risk of harm to individuals on account of —
- (a) the physical attributes or condition of any mode of transport; or
 - (b) the manner in which, or the time at which, any mode of transport is used.
- (2) Regulations under this section may be in terms of an EU instrument —
- (a) by applying it to the Island as part of the law of the Island, subject to any exceptions, adaptations or modifications the Department may see fit to impose; or
 - (b) by relying on it in whole or in part, regardless of whether or not the regulations make overt reference to it or any part of it.
- Paragraph (b) is subject to subsection (3).
- (3) Where regulations under this section are made in terms of an EU instrument in accordance with subsection (2)(a), the Department shall

ensure that a copy of that EU instrument that reflects all exceptions, adaptations or modifications made to it is —

- (a) annexed to the regulations; or
 - (b) made available, on request and on payment of any fee prescribed under Part 5, Division 4 (general fee power) of the *Interpretation Act 2015*, to any member of the public.
- (4) The Department may, in regulations under this section, provide that contravention of any of the provisions of those regulations is an offence punishable on summary conviction by a maximum fine at level 5 on the standard scale.¹⁵⁹

73B Regulation of professional drivers

- (1) Regulations may impose requirements (other than in respect of age) upon persons who drive, or who may drive, vehicles of prescribed classes for professional purposes.
- (2) The regulations may, in particular —
 - (a) specify what amounts to driving a vehicle for professional purposes;
 - (b) prescribe the persons to whom the regulations apply by reference to vehicles of a prescribed class;
 - (c) prohibit those persons from driving a vehicle of that class unless they have passed a theory test and a practical test;
 - (d) require those persons to provide a vehicle of that class for the conduct of a practical test;
 - (e) provide that persons who, more than 5 years previously, passed a theory test and a practical test in respect of vehicles of a prescribed class may not continue to drive vehicles of that class unless during the previous 5 years they have successfully completed a prescribed training course;
 - (f) make provision for the nature and conduct of theory tests, practical tests, and prescribed training courses;
 - (g) make provision generally with respect to theory tests, practical tests, and prescribed training courses, including evidence of results, appeals to the Department against results and the grounds on which appeals may be made;
 - (h) provide for the issue of a Professional Driver's Card to a person who has passed a theory test and a practical test in respect of vehicles of a prescribed class;
 - (i) prescribe the form of a Professional Driver's Card and the information it must contain, including the prescribed class of vehicles in respect of which it is issued;

- (j) require that a person who has been issued with a Professional Driver's Card must carry the card when the person is driving vehicles of the prescribed class in respect of which it was issued and must produce it to a constable upon demand;
 - (k) provide that Professional Driver's Cards may be rescinded in prescribed circumstances and must be returned to the Department;
 - (l) provide that a Professional Driver's Card becomes invalid and must be returned to the Department upon the person to whom it was issued becoming prohibited from driving vehicles of the prescribed class in respect of which it was issued;
 - (m) provide for the fees that must be paid to take a theory test and a practical test, to take a prescribed training course and to obtain a Professional Driver's Card;
 - (n) make ancillary, consequential or incidental provision.
- (3) A Professional Driver's Card is only valid in respect of vehicles of the prescribed class specified in it.
- (4) A person commits an offence if the person —
- (a) not being the holder of a valid Professional Driver's Card that permits the person to drive vehicles of a prescribed class for a professional purpose, drives on a road a vehicle of that class for such a purpose;
 - (b) causes or permits a person to drive a vehicle of a prescribed class on a road for a professional purpose, knowing the person is not the holder of a valid Professional Driver's Card that permits the person to drive vehicles of that class for such a purpose, or being negligent as to whether or not the person is the holder of a valid Professional Driver's Card that permits the person to drive vehicles of that class for such a purpose;
 - (c) when driving a vehicle of a prescribed class on a road for a professional purpose, fails to produce a valid Professional Driver's Card issued to the person when demanded by a constable.¹⁶⁰

73C Liability of directors, etc. of bodies corporate

- (1) This section applies if a body corporate has been convicted of an offence under paragraph 1(5) of Schedule 2 in respect of a vehicle owned or operated by the body corporate.
- (2) If it is proven that the offence by the body corporate was committed with the consent or connivance or was attributable to the neglect of a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he —
 - (a) commits the same offence; and

- (b) is liable to the penalty prescribed for that offence in column 4 of the table in Part 1 of Schedule 6.¹⁶¹

74 Power to make, and Tynwald control over, regulations, orders etc¹⁶²

[P1972/20/199]

- (1) The Department may make regulations for any purpose for which regulations may be made under this Act and for prescribing anything which may be prescribed under this Act and generally for the purpose of carrying this Act into effect.¹⁶³
- (1A) [Repealed]¹⁶⁴
- (2) Regulations under this Act may contain such incidental, consequential, transitional or supplemental provision as appears to the Department to be necessary or proper for the purposes of the regulations.¹⁶⁵
- (3) The following instruments, namely —
- (a) regulations under this Act;
 - (b) an order under section 24(7), section 53(6), section 58A(3), section 72(3), section 79A(1), paragraph 21A of Schedule 3 or paragraph 2(1A) of Schedule 5;¹⁶⁶
 - (c) rules under paragraph 10(2) of Schedule 5,
- shall not have effect unless approved by Tynwald.
- (4) An order under section 5B(9) shall be laid before Tynwald at the sitting before that at which the resolution under subsection (3) approving it is moved.¹⁶⁷
- (5) An instrument approving a device for the purpose of section 5B(8) or section 6(1)(a) or section 58A(1)(a) shall be laid before Tynwald as soon as may be after it is made.¹⁶⁸

75 Provision, etc, of weighbridges

[P1972/20/200]

- (1) The Department may provide, erect, maintain and operate, weighbridges or other machines for weighing vehicles or contribute towards the cost of the provision, erection, maintenance and operation of any such weighbridge or other machine by any other person.¹⁶⁹
- (2) The Department may provide, erect, maintain and operate any such machine on a road, and accordingly the presence of any such machine on a road in consequence of the exercise of those powers by virtue of this subsection shall not be taken to be an obstruction of the road.¹⁷⁰

76 Expenses and receipts

- (1) Any expenses incurred by the Department in consequence of any provisions of this Act shall be defrayed out of money provided by Tynwald.¹⁷¹
- (2) Any sums received on account of fees payable by virtue of any provision of this Act shall be paid into the general revenue of the Island.

77 References to Acts of Parliament

[1978/14/10]

- (1) Any reference in this Act and any Act to be construed as one with this Act to any Act of Parliament or provision thereof shall, unless the context otherwise requires, be construed as a reference to that Act or provision as for the time being amended, modified or repealed and re-enacted, with or without modifications, by, or by virtue of, any other Act of Parliament.
- (2) This section shall be deemed always to have had effect.

78 Application of regulations made under Acts of Parliament

[1978/14/11]

- (1) In making regulations under any provision of this Act or any Act to be construed as one with this Act, the Department may apply to the Island, as part of the law of the Island, subject to such exceptions modifications and adaptations as the Department may specify in the regulations, the provisions of any instrument of a legislative character made (or having effect as if made) under any corresponding provision of any Act of Parliament analogous to this Act or any Act to be construed as one with this Act.¹⁷²
- (2) This section shall be deemed always to have had effect.

79 Extension of the provisions of this Act to other roads

- (1) The Department may by order, with the consent of any other Board of Tynwald or Statutory Board concerned, apply any provisions of this Act, or of any Act to be construed as one with this Act, specified in the order to any land or premises so specified (not being roads within the meaning of this Act) which are under the control of such Board of Tynwald or Statutory Board.¹⁷³
- (2) No order made under this section shall have effect until it has been approved by Tynwald.

79A Application of road traffic provisions to car parks

- (1) The Department may by order apply any provisions of this Act, or of Part IV (traffic signs) of the *Road Traffic Regulation Act 1985*, specified in the

order to any parking place so specified, with such exceptions, adaptations and modifications as may be so specified.

- (2) An order under subsection (1) applying to a parking place other than one provided by the Department or another public authority under Part III of the *Road Traffic Regulation Act 1985* shall not be made without the consent of the owner of the parking place; but where such an order contains a statement that it is made with such consent, that statement shall be presumed to be true until the contrary is proved.
- (3) In this section “parking place” means a place (other than a highway) where vehicles, or vehicles of any class, may wait.¹⁷⁴

80 Savings, transitional provisions and amendments

[P1972/20/205]

- (1) The savings and transitional provisions contained in Schedule 7 shall have effect.
- (2) The enactments specified in Schedule 8 shall be amended in accordance with that Schedule.
- (3) [Repealed]¹⁷⁵

81 Short title, commencement and construction

[P1974/50/24(4)]

- (1) This Act may be cited as the Road Traffic Act 1985.
- (2) This Act shall come into operation on such day or days as the Department may by order appoint.¹⁷⁶
- (3) This Act shall be construed as one with the *Road Traffic (International Agreements) Act 1974* and that Act and this Act may together be cited as the Road Traffic Acts 1974 and 1985.¹⁷⁷

SCHEDULE 1

SUPPLEMENTARY PROVISIONS IN CONNECTION WITH PROCEEDINGS FOR OFFENCES UNDER SECTION 24(4) (PROTECTIVE HELMETS)

Section 24(6) [P1972/20/Sch 1]

1. (1) A person against whom proceedings are brought for an offence under section 24(4) shall, upon information duly laid by him and on giving to the prosecution not less than 3 clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of that section was due brought before the court in the proceedings; and if, after the contravention has been proved, the original accused proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original accused further proves that he has used all due diligence to secure that that section was complied with, he shall be acquitted of the offence.

(2) Where an accused seeks to avail himself of the provisions of sub-paragraph (1) —

- (a) the prosecution, as well as the person whom the accused charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence;
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears that an offence under section 24(4) has been committed in respect of which proceedings might be taken against some person (hereinafter referred to as "the original offender"), and a person proposing to take proceedings in respect of the offence is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person, being an act or default which took place in the Island, and that the original offender could establish a defence under sub-paragraph (1), the proceedings may be taken against that other person without proceedings first being taken against the original offender.

(4) In proceedings taken against a person other than the original offender under sub-paragraph (3) the accused may be charged with, and on proof that the contravention was due to his act or default be convicted of the offence with which the original offender might have been charged.

2. (1) Subject to the provisions of this paragraph, in any proceedings for an offence under section 24(4) it shall be a defence for the accused to prove —

- (a) that he purchased the helmet in question as being of a type which under section 24(4) could be lawfully sold or offered for sale, and with a written warranty to that effect, and

- (b) that he had no reason to believe at the time of the commission of the alleged offence that it was not of such a type, and
 - (c) that it was then in the same state as when he purchased it.
- (2) A warranty shall only be a defence in any such proceedings if —
 - (a) the accused —
 - (i) has, not later than 3 clear days before the date of hearing, sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and
 - (ii) has also sent a like notice of his intention to that person, and
 - (b) in the case of a warranty given by a person resident outside the Island, the accused proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein.

(3) Where the accused is a servant of the person who purchased the helmet in question under a warranty, he shall be entitled to rely on the provisions of this paragraph in the same way as his employer would have been entitled to do if he had been the accused.

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

3. (1) An accused who in any proceedings for an offence under section 24(4) wilfully applies to a helmet a warranty not given in relation to that helmet shall be guilty of an offence.

(2) A person who, in respect of a helmet sold by him, being a helmet in respect of which a warranty might be pleaded under paragraph (2), gives to the purchaser a false warranty in writing, shall be guilty of an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained therein were accurate.

4. The following provisions of the *Consumer Protection Act 1991* apply for the purpose of enforcing section 24(4) as they apply for the purpose of enforcing any safety provision (within the meaning of that Act) —

- section 25 (test purchases);
- sections 26 and 27 (powers of search etc);
- section 29 (obstruction);
- section 30 (appeals against detention);
- section 31 (compensation for seizure and detention);
- section 32 (recovery of expenses).¹⁷⁸

SCHEDULE 2

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

Section 33

PART I – CONSTRUCTION AND USE REGULATIONS

Regulation of construction, weight, equipment and use of vehicles
[P1972/20/40; P1974/50/9; 1974/10/31]

1. (1) The Department may make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters —
- (a) the width, height and length of motor vehicles and trailers and the load carried thereby, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;
 - (b) the emission or consumption of smoke, fumes, ashes and grit;
 - (c) noise;
 - (d) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested;
 - (e) the particulars to be marked on motor vehicles and trailers;
 - (f) the towing of or drawing of vehicles by motor vehicles;
 - (g) the number and nature of brakes, and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order;
 - (h) lighting equipment and reflectors;
 - (i) the testing and inspection, by persons authorised by or under the regulations, of the brakes, silencers, steering gear, tyres, lighting equipment and reflectors of motor vehicles and trailers;¹⁷⁹
 - (j) the appliances to be fitted for signalling the approach of a motor vehicle, or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of a motor vehicle, and the use of any such appliance, and for securing that they shall be efficient and kept in proper working order;

- (k) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, being appliances for signalling by sound, at any times, or on or in any roads or localities, specified in the regulations.
- (l) the construction and equipment of vehicles for use, and the conditions under which they may be used, by a disabled person whether or not such a person is —
 - (i) in a prescribed wheelchair or using another prescribed mobility aid;
 - (ii) accompanied by an assistance dog; or
 - (iii) driving the vehicle which the person is using.^{180 181}
- (1A) In subparagraph (1)(l) "assistance dog" means —
 - (a) a dog which has been trained to guide a blind person;
 - (b) a dog which has been trained to assist a deaf person;
 - (c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; or
 - (d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind.¹⁸²
- (1B) Without prejudice to the generality of subparagraph (1), the Department may make regulations to secure the safety of road users.¹⁸³
- (2) Without prejudice to the generality of the foregoing provisions, the Department may, as respects goods vehicles, make regulations under this paragraph —
 - (a) prescribing other descriptions of weight which are not to be exceeded in the case of such vehicles;
 - (b) providing for the marking on such vehicles of weights of any description or other particulars by means of plates (of any material) fixed thereto;
 - (c) providing for the circumstances in which any particulars which are to be marked on such vehicles are to be so marked.¹⁸⁴
- (3) Without prejudice to the generality of sub-paragraph (1), regulations under this paragraph with respect to lighting equipment and reflectors —
 - (a) may require that lamps be kept lit at such times and in such circumstances as may be specified in the regulations; and
 - (b) may extend, in like manner as to motor vehicles and trailers, to vehicles of any description used on roads (other than vehicles to which paragraph 8 applies), whether or not they are mechanically propelled.

(4) In framing regulations under this paragraph prescribing a weight of any description which is not to be exceeded in the case of goods vehicles of a class for which a certificate of conformity or Minister's approval certificate may be issued under section 47 of the Road Traffic Act 1972 (an Act of Parliament) the Department shall have regard to the design weight of the like description determined by virtue of the said section 47 for vehicles of that class and shall secure that the first mentioned weight shall not exceed the design weight.¹⁸⁵

(4A) Regulations to implement sub-paragraph (1)(i) may provide that the testing and inspection of a motor vehicle or trailer —

- (a) may include its being driven or drawn;
- (b) may take place on any premises with the consent of the owner of the premises or, where the authorised person reasonably suspects that the motor vehicle or trailer was involved in an accident, on the premises where the motor vehicle or trailer is situated, without that consent.¹⁸⁶

(5) Except as is otherwise provided by or under this paragraph, paragraph 2 or paragraph 3, a person commits an offence if the person, —

- (a) contravenes a regulation made under this paragraph;
- (b) uses on a road a motor vehicle or trailer that does not comply with any such regulation or causes or permits a vehicle to be so used; or.
- (c) intentionally obstructs or hinders an authorised person testing or inspecting or intending or attempting to test or inspect a motor vehicle or trailer in accordance with any such regulation.¹⁸⁷

(6) In any proceedings for an offence under sub-paragraph (5) in which there is alleged a contravention of a construction and use requirement relating to any description of weight applicable to a goods vehicle, it shall be a defence to prove either —

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

(7) Sub-paragraph (8) applies if —

- (a) regulations made under this paragraph apply a provision of the ADR with or without modification; and
- (b) the provision is subsequently amended or replaced whether on one or more occasions.¹⁸⁸

(8) Despite section 74(3), the provision as amended or the replacement provision shall automatically apply with the same or substantially the same modification, if any, as that made to the original provision by the regulations.¹⁸⁹

(9) In sub-paragraph (7) “ADR” means —

- (a) the European Agreement concerning the International Carriage of Dangerous Goods by Road done at Geneva under the auspices of the United Nations’ Economic Commission for Europe on 1 January 2007;
- (b) any new edition or revision of the ADR; or
- (c) a document whatever called and whether made by the same or a different body that is expressed or generally accepted to be a replacement of the ADR.¹⁹⁰

Temporary exemption from application of regulations
[P1972/20/41]

2. (1) Subject to sub-paragraphs (2) to (4), where any regulations under paragraph 1 contain provisions varying the requirements as regards the construction or weight of any class of vehicles, provision shall be made by the regulations for exempting for such period, not being less than 5 years, as may be specified therein from such provisions any vehicle of that class registered under the *Licensing and Registration of Vehicles Act 1969* before the expiration of one year from the making of the regulations.

(2) No such provision contained in regulations under paragraph (1) as imposes or varies requirements with respect to the braking systems with which motor vehicles must be equipped shall be taken, for the purposes of sub-paragraph (1) or of any other provision of the regulations, to be one relating to the construction of vehicles.

(3) Where regulations under paragraph 1 contain provisions varying the requirements as regards the construction or weight of any class of vehicle, and the Department is satisfied —

- (a) that it is requisite that those provisions shall apply at a date specified in the regulations to vehicles registered before the expiration of one year from the making of the regulations, or to such of them as are specified in the regulations, and
- (b) that, notwithstanding that those provisions will then apply to those vehicles, no undue hardship or inconvenience will be caused thereby,

then, if the regulations state that the Department is so satisfied, they may provide that sub-paragraph (1) shall not apply in relation to the said provisions.¹⁹¹

(4) Sub-paragraph (1) shall not apply in relation to regulations made with respect to any description of weight of goods vehicles, other than their maximum unladen weight, or in relation to regulations made by virtue of paragraph 1(2).

Approval of documents for purposes of regulations

2A. (1) For the purpose of providing practical guidance with respect to the requirements of any provision of regulations under paragraph 1, the Department may by order —

- (a) approve and issue any document (whether or not prepared by it), or
- (b) approve any document issued or proposed to be issued otherwise than by it,

if in the opinion of the Department the document is suitable for that purpose.

(2) References in this paragraph and paragraph 2B to a document include references to part of a document; and accordingly in relation to a document of which part only is approved, a reference in the following provisions of this paragraph or paragraph 2B to the approved document is a reference only to the part of it that is approved.

(3) An order under sub-paragraph (1) shall —

- (a) identify the approved document in question,
- (b) state the date on which the approval of it is to take effect, and
- (c) specify the provision of regulations under paragraph 1 for the purposes of which the document is approved.

(4) The Department may by order —

- (a) from time to time approve and issue a revision of the whole or any part of an approved document issued by it for the purposes of this paragraph, and
- (b) approve any revision or proposed revision of the whole or any part of an approved document;

and sub-paragraph (3), with the necessary modifications, applies in relation to an order under this sub-paragraph as it applies in relation to an order under sub-paragraph (1).

(5) The Department may by order withdraw its approval of a document under this paragraph; and such a withdrawal shall —

- (a) identify the approved document in question; and
- (b) state the date on which it is to have effect.¹⁹²

Compliance or non-compliance with approved documents

2B. (1) A failure on the part of a person to comply with an approved document does not of itself render him liable to any civil or criminal proceedings; but if, in any proceedings, whether civil or criminal, it is alleged that a person has at any time contravened a provision of regulations under paragraph 1 —

- (a) a failure to comply with a document that at that time was approved for the purposes of that provision may be relied on as tending to establish liability; and
- (b) proof of compliance with such a document may be relied on as tending to negative liability.

(2) In any proceedings, whether civil or criminal, a document that appears to the court to be the approved document to which an order under paragraph 2A(1) or (4) refers shall be taken to be that approved document unless the contrary is proved.¹⁹³

Authorisation of special types

[P1972/20/42]

3. (1) The Department may by order authorise, subject to such restrictions and conditions as may be specified by or under the order, the use on roads —

- (a) of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials;
- (b) of vehicle or trailers, or types of vehicles or trailers, constructed for use outside the Island;
- (c) of new or improved types of motor vehicles or trailers, whether wheeled or wheel-less, or of motor vehicles or trailers equipped with new or improved equipment or types of equipment; and
- (d) of vehicles or trailers carrying loads of exceptional dimensions;

and nothing in paragraph 1 shall prevent the use of such vehicles, trailers or types as aforesaid in accordance with the order.¹⁹⁴

(2) The Department may by order make provision for securing that, subject to such restrictions and conditions as may be specified by or under the order, regulations under paragraph 1 shall have effect in their application to such vehicles, trailers and types thereof as are mentioned in sub-paragraph (1) subject to such modifications or exceptions as may be specified in the order.¹⁹⁵

(3) The Department may by order —

- (a) provide for the issue by the Department, for the purpose of this sub-paragraph, of a permit to a person appearing to the Department to be a bona fide collector of old or rare motor vehicles,
- (b) authorise, subject to such restrictions and conditions as may be specified in the order, the use on roads by the holder of such a permit of such a motor vehicle, or of motor vehicles of such a description, as may be specified in the permit; and
- (c) provide for the form of such a permit, its production to constables and to persons authorised for the purpose by the Department, and its surrender to the Department in such circumstances as are specified in the order;

and nothing in paragraph 1 shall prevent the use of a motor vehicle in accordance with the order.¹⁹⁶

(4) The Department may in writing authorise, for such period and subject to such restrictions and conditions as may be so specified in the authorisation, the use on roads of a motor vehicle so specified whose laden weight does not exceed 32520 kilogrammes, notwithstanding that the vehicle does not comply with the provisions of regulations under paragraph 1 relating to the length of motor vehicles, where the Department is satisfied that, having regard to the needs of the Island as a whole, it is expedient in the interests of industry that the use of the vehicle on roads be permitted.¹⁹⁷

(5) Nothing in paragraph 1, so far as it relates to the length of motor vehicles, shall prevent the use of a motor vehicle in accordance with an authorisation under sub-paragraph (4).

PART II – VEHICLE TESTING

Testing of condition of vehicles on roads
[1974/10/37; P1972/20/53; P1974/50/24 and Schs 6 and 7]

4. (1) An authorised examiner may test a motor vehicle on a road for the purpose of ascertaining whether the requirements imposed by law as to –

- (a) brakes, silencers, steering gear and tyres;
- (b) the prevention or reduction of noise, smoke, fumes, or vapour; and
- (c) lighting equipment and reflectors,

are complied with as respects the vehicle, and of bringing to the notice of the driver any failure to comply with those requirements, and for the purpose of testing the vehicle the examiner may drive it.¹⁹⁸

(1A) In order to test a vehicle an authorised examiner may require a vehicle to stop if the following conditions are satisfied –

- (a) a constable in uniform must be present at the scene;
- (b) at least one sign indicating a police presence and warning drivers of oncoming vehicles that they may be required to stop must be displayed so as to be visible to them at such a distance from the area where the test is to be conducted as will enable them to stop safely if required to do so; and
- (c) the examiner must wear such distinguishing clothing as the Department may require.¹⁹⁹

(1B) A driver of a vehicle who fails to stop as required by sub-paragraph (1A) is guilty of an offence.²⁰⁰

(2) Subject to sub-paragraph (3), where an examiner is satisfied that the making of an immediate test would be unreasonably inconvenient to the driver or passengers of a vehicle he may defer the making of the test and require that it be carried

out at such convenient time (falling within the next 7 days but disregarding any day on which the vehicle is outside the Island) and place as the examiner may direct.

(3) The inconvenience to the driver or passengers of a motor vehicle may be disregarded —

- (a) where it appears to a constable that, by reason of an accident having occurred owing to the presence of the vehicle on the road, it is requisite that there should be an immediate test of the vehicle, he may require it to be so carried out and may require that the vehicle shall not be taken away until the test has been carried out; and
- (b) where in the opinion of a constable the vehicle is apparently so defective that it ought not to be allowed to proceed without a test being carried out, he may require an immediate test to be carried out.

(3A) Where an examiner who is testing a vehicle under this paragraph —

- (a) has reasonable cause to believe that any of the requirements referred to in sub-paragraph (1) is not complied with as respects the vehicle, and
- (b) is satisfied that it is not possible to ascertain whether that requirement is complied with except at a place where suitable facilities are available for that purpose,

the examiner may suspend the test and direct that it be continued at that place within such period (not being less than 7 days and disregarding any day on which the vehicle is outside the Island) as he may require;²⁰¹

(3B) When giving a direction under sub-paragraph (3A) the examiner shall give to the driver of the vehicle a notice in writing specifying —

- (a) the requirement referred to in sub-paragraph (1) to which the direction relates, and
- (b) the place at which, and the time within which, the vehicle is to be presented for the test to be continued.²⁰²

(4) If a person obstructs an authorised examiner acting under this paragraph or fails to comply with any requirement of this paragraph, he shall be guilty of an offence.

(5) An authorised examiner for the purpose of this paragraph shall produce his authority to act if required to do so.

(6) A court of summary jurisdiction by whom a person is convicted of a offence under paragraph 1(5) may order him to pay to the Department any expenses incurred by the Department or an authorised examiner in connection with an examination of the vehicle in respect of which the offence was committed.²⁰³

(7) In this paragraph —

- (a) “test” includes “inspect” or “inspection” as the case may require;

- (b) references to a vehicle include references to any trailer drawn thereby.

Remedying of defects discovered on roadside tests
[1974/10/22; P1972/20/54]

5. (1) Where, on testing a motor vehicle under paragraph 4, it appears to an authorised examiner that there is a defect in the vehicle by reason that the vehicle does not comply with a construction and use requirement applicable to the vehicle, he may, whether or not the requirement is one mentioned in paragraph 4(1), and whether or not proceedings are instituted for a breach of the requirement, give a notice in writing to the person who is then the owner of the vehicle specifying the defect and the requirement in question and requiring him to give to the Department within the permitted period a certificate complying with sub-paragraph (3) or a declaration complying with sub-paragraph (4).²⁰⁴

(2) On testing a motor vehicle as aforesaid an authorised examiner may require the person in charge of the vehicle to state whether he is the owner of the vehicle and, if he is not the owner, the name and address of the owner.

(3) A certificate under this paragraph shall contain a statement signed by the person to whom the notice under this paragraph was given that repairs for the purpose of remedying the defects specified in the notice have been carried out.

(4) A declaration under this paragraph shall be signed by the person to whom the notice under this paragraph was given and shall state that he has sold or disposed of his interest in the vehicle to which the notice relates or that he does not intend to use it thereafter on a road in the Island.

(5) Where a declaration made in accordance with sub-paragraph (4) contains a statement that a vehicle has been sold or that the signatory has disposed of his interest in it, such declaration shall further state the name and address of the person to whom the vehicle has been sold or the manner in which and, if appropriate, to whom his interest in the vehicle has been so disposed of.

(6) A person who, having been given a notice under this paragraph, fails to give a certificate or declaration under this paragraph within the permitted period to the Department shall be guilty of an offence.²⁰⁵

(7) A person who fails to comply with a requirement imposed on him by an authorised examiner under sub-paragraph (2) shall be guilty of an offence.

(8) In this paragraph “permitted period” means a period of 28 days beginning with the date of the notice under this paragraph or such longer period as the Department may, on the application of the owner of a motor vehicle, specify in writing.²⁰⁶

Tests to check whether defects have been remedied
[1974/10/23; P1972/20/55]

6. (1) Where a certificate has been given under paragraph 5 with respect to a motor vehicle, the Department may, within the period of 30 days beginning with the date on which it receives the certificate, require the person who is the owner of the

vehicle at the time of the requirement to make the vehicle available for a further test by an authorised examiner at such place as the Department may direct and for that purpose may require that person to specify a period of 7 days within which the examination is to take place being a period falling within the 30 days beginning with the date of the requirement, disregarding any day in which the vehicle is outside the Island.²⁰⁷

(2) Where a vehicle is made available under sub-paragraph (1) for a further test, any authorised examiner may test and inspect it for the purpose of ascertaining whether any defect specified in the notice relating to it under paragraph 5 has been remedied.

(3) Paragraph 5 shall apply in relation to a test under this paragraph as it applies in relation to a test under paragraph 5.

(4) If a person obstructs an authorised examiner acting under this paragraph or fails to comply with a requirement under this paragraph, he shall be guilty of an offence.

Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy

6A. (1) Subject to the provisions of this paragraph it shall not be lawful to sell, or to supply, or to offer to sell or supply or to expose for sale, a motor vehicle or trailer for delivery —

- (a) in such a condition that the use thereof on a road in that condition would be unlawful by virtue of any provision made by regulations under paragraph 1 as respects —
 - (i) brakes, steering gear or tyres; or
 - (ii) the construction, weight or equipment of vehicles; or
 - (iii) the maintenance of vehicles, their parts and accessories in such a condition that no danger is or is likely to be caused; or
- (b) in such a condition, as respects lighting equipment or reflectors or the maintenance thereof, that use thereof on a road during the hours of darkness would be unlawful by virtue of any provision made by regulations under paragraph 1 as respects lighting equipment or reflectors.

(2) Subject to the provisions of this paragraph 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 any provision made as respects the construction, weight or equipment of vehicles by regulations under paragraph 1.

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

(4) A person shall not be convicted of an offence under this paragraph in respect of the sale, supply, offer, exposure for sale or alteration of a motor vehicle or trailer if he proves —

- (a) that it was sold, supplied, offered, exposed for sale or altered, as the case may be, for export from the Island; or
 - (b) that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in the Island or would not be so used until it had been put into a condition in which it might lawfully be so used; or
 - (c) in the case of a vehicle or trailer the sale, supply, offer or exposure for sale of which is alleged to be unlawful by reason of non-compliance with any provision made by regulations under paragraph 1 as respects lighting equipment or reflectors, that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in the Island in the hours of darkness until it had been put into a condition in which it might be so used during those hours without contravention of such provision.
- (5) Nothing in the foregoing provisions of this paragraph affects the validity of a contract or any rights arising under a contract.²⁰⁸

Fitting and sale of defective or unsuitable parts

6B. (1) If any person —

- (a) fits a vehicle part to a vehicle, or
- (b) causes or permits a vehicle part to be fitted to a vehicle,

in such circumstances that, by reason of that part being fitted to the vehicle, the use of the vehicle on a road would constitute a contravention of or failure to comply with any of the construction and use requirements, he shall be guilty of an offence.

(2) A person shall not be convicted of an offence under sub-paragraph (1) if he proves —

- (a) that the vehicle to which the part was fitted was to be exported from the Island; or
- (b) that he had reasonable cause to believe that the vehicle would not be used on a road in the Island or would not be so used until it had been put into a condition in which its use would not constitute a contravention or failure to comply with any of the construction and use requirements.

(3) If any person who —

- (a) sells or supplies or offers to sell or supply a vehicle part, or
- (b) causes or permits a vehicle part to be sold, supplied or offered for sale or supply,

has reasonable cause to believe that the part is to be fitted to a motor vehicle or to a vehicle of a particular class, or to a particular vehicle, he shall be guilty of an offence if that part could not be fitted to a motor vehicle or, as the case may be, to a vehicle of that

class or of a vehicle of a class to which that vehicle belongs, except in such circumstances as are mentioned in sub-paragraph (1).

(4) A person shall not be convicted of an offence under sub-paragraph (3) in respect of the sale, supply or offer of a vehicle part if he proves —

- (a) that the part was sold, supplied or offered, as the case may be, for export from the Island; or
- (b) that he had reasonable cause to believe that it would not be fitted to a vehicle used on a road in the Island or would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances as are mentioned in sub-paragraph (1).

(5) An authorised examiner may at any reasonable hour enter premises where in the course of a business vehicle parts are fitted to vehicles or are sold, supplied or offered for sale, and test and inspect any vehicle or vehicle part found on those premises for the purpose of ascertaining whether —

- (a) a vehicle part has been fitted to the vehicle in such circumstances as are mentioned in sub-paragraph (1), or
- (b) the vehicle part could not be sold or supplied for fitting to a vehicle used on roads in the Island without the commission of an offence under sub-paragraph (3),

and for the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(6) Any person who obstructs an authorised examiner acting under sub-paragraph (5) shall be guilty of an offence.

(7) An authorised examiner acting under sub-paragraph (5) shall produce his authority to act if required to do so.

(8) In this paragraph “vehicle part” means any article made or adapted for use as part of a mechanically propelled vehicle or of a vehicle drawn by a mechanically propelled vehicle, or of any other vehicle which is intended or adapted to be used on roads, or for use as part of the equipment of any such vehicle, and includes any equipment for the protection of drivers or passengers in or on a motor vehicle notwithstanding that it does not form part of, or of the equipment of, that vehicle.²⁰⁹

Testing condition of used vehicles at salerooms, etc

6C. (1) An authorised examiner may at any reasonable hour enter premises where used vehicles or trailers are sold, supplied, or offered for sale or supply or kept for sale or supply in the course of a business, and test and inspect any used motor vehicle or trailer found thereon for the purpose of ascertaining whether it is in any such condition as is mentioned in paragraph 6A(1), and for the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(2) If any person obstructs an authorised examiner acting under this paragraph he shall be guilty of an offence.

(3) An authorised examiner acting under this paragraph shall produce his authority to act if required to do so.

(4) A motor vehicle or trailer shall be treated as used for the purposes of this paragraph if, and only if, it has previously been sold or supplied by retail.²¹⁰

Enforcement of certain requirements at point of sale

6CA. (1) The powers of an authorised examiner under paragraphs 6B and 6C may be exercised by an officer of the Isle of Man Office of Fair Trading authorised for the purpose by that Office.

(2) The following provisions of the *Consumer Protection Act 1991* apply for the purpose of enforcing paragraphs 6A and 6B with the modifications specified in sub-paragraph (3) —

section 25 (test purchases);

sections 26 and 27 (powers of search etc);

section 29 (obstruction);

section 30 (appeals against detention);

section 31 (compensation for seizure and detention);

section 32 (recovery of expenses).

(3) The modifications subject to which those provisions apply are as follows —

(a) references to an officer or authorised officer of the Isle of Man Office of Fair Trading shall be treated as including references to an authorised examiner (other than a member of the Isle of Man Constabulary);

(b) references to that Office, in relation to the exercise of powers by an authorised examiner, shall be treated as references to the Department;

(c) references to the safety provisions shall be treated as references to paragraphs 6A and 6B;

(d) references to any provision made by or under Part III of the said Act of 1991 shall be omitted.²¹¹

6D. [Repealed]²¹²

Determination of plated weights

6E. (1) This paragraph applies to goods vehicles of such classes or descriptions as may be prescribed.

(2) The Department may by regulations make provision for —

- (a) the criteria and methods by which the plated weights and other plated particulars of vehicles to which this paragraph applies may be determined;
 - (b) the examination of such vehicles by authorised examiners for the purpose of determining their plated weights and other plated particulars; and
 - (c) the issue on such an examination of a plate marked with plated particulars and a certificate (a “plating certificate”) specifying those particulars.
- (3) Regulations under this paragraph may prescribe the conditions subject to which vehicles may be accepted for such examination and, without prejudice to that, —
- (a) authorise any person by whom an examination of the vehicle is carried out to drive the vehicle, whether on a road or elsewhere, and
 - (b) require that a driver of a vehicle examined is, except so far as permitted to be absent by the person carrying out the examination, present throughout the whole of the examination and drives the vehicle when directed to do so and operates the controls in accordance with any directions given to him, by that person.
- (4) Regulations under this paragraph may make provision for —
- (a) the information to be supplied and documents to be produced on an application for an examination under the regulations, and on any such examination;
 - (b) the fees to be paid on any such application;
 - (c) the form of, and particulars to be contained in, plates marked with plated particulars and plating certificates; and
 - (d) the issue of replacements for plates marked with plated particulars and plating certificates and the payment of a fee for their issue.
- (5) Without prejudice to any regulations made by virtue of sub-paragraph (2), the Department may give directions with respect to the manner in which examinations under such regulations are to be carried out.²¹³

Requirement that vehicle be examined

6F. (1) The Department may make regulations for requiring vehicles to which paragraph 6E applies, or such class or description of those vehicles as may be prescribed, to be submitted for examination under regulations under that paragraph in any of the following circumstances —

- (a) where the vehicle bears no plate indicating plated weights or other plated particulars;

- (b) where it appears to an authorised examiner that any plate borne by the vehicle indicates plated weights or other plated particulars which are incorrect;
 - (c) where any prescribed alteration to the vehicle or its equipment has been made;
 - (d) where the vehicle is undergoing, or is required to undergo, any test, inspection or examination by an authorised examiner (whether under this Schedule or under any other enactment).
- (2) Regulations under this paragraph may —
 - (a) require a prescribed alteration to such a vehicle or its equipment to be notified to the Department;
 - (b) require the plating certificate for any vehicle to which the regulations apply to specify any alteration to the vehicle or its equipment which is required by the regulations to be notified to the Department; and
 - (c) authorise the amendment of a plate marked with plated particulars or a plating certificate or the issue of a different plate or plating certificate on the examination of a vehicle pursuant to the regulations.
- (3) No fee shall be payable for an examination required to be carried out in the circumstances specified in sub-paragraph (1)(b).
- (4) Regulations under this paragraph may provide that a person who contravenes or fails to comply with a requirement of the regulations is guilty of an offence.²¹⁴

Determination of plated weights without examination of vehicles

- 6FA. (1) This paragraph applies to vehicles to which paragraph 6E applies.
- (2) The Department may by regulations —
- (a) prescribe the criteria and methods by which the plated weights and other plated particulars of a vehicle to which this paragraph applies may be determined by an authorised examiner without an examination of the vehicle;
 - (b) provide for an application to be made, information to be supplied and documents to be produced in connection with such a determination;
 - (c) provide for the issue on such a determination of a plate marked with plated particulars and a certificate (a “plating certificate”) specifying those particulars; and
 - (d) make like provision in connection with such a determination as may be made under sub-paragraphs (4)(c) and (d) of paragraph 6E in connection with an application under that paragraph.

(3) A person who contravenes or fails to comply with any requirement of the regulations, contravention of or non-compliance with which is declared by the regulations to be an offence, shall be guilty of an offence.²¹⁵

Appeals against determinations

6G. (1) Any person aggrieved by a determination made by an authorised examiner on an examination under regulations under paragraph 6E may appeal to the Department.

(2) On the appeal the Department shall cause the vehicle to be re-examined by an authorised examiner and make such determination on the basis of the re-examination as it thinks fit.

- (3) The Department may by regulations make provision for —
- (a) the manner in which and time within which appeals may be brought under this paragraph;
 - (b) the information to be supplied and documents to be produced on such an appeal;
 - (c) the fees to be paid on such an appeal; and
 - (d) the repayment of the whole or part of the fee paid on such an appeal where it appears to the Department that there were substantial grounds for contesting the whole or part of the decision appealed against.²¹⁶

Appeals relating to determination of plated weights etc without examination

6GA. Regulations under paragraph 6FA may —

- (a) make like provision for appeals against determinations under that paragraph as is made by or under paragraph 6G in connection with appeals against determinations under paragraph 6E; and
- (b) make provision for appeals against refusals to make determinations under paragraph 6FA in such circumstances as are prescribed.²¹⁷

Voluntary testing of motor vehicles

6H. (1) The Department may by regulations make provision for the examination, at the request of the owner, of any motor vehicle of a class or description specified in the regulations for the purpose of ascertaining whether any prescribed construction and use requirements are complied with in the case of the vehicle.

- (2) Regulations under this paragraph may make provision for —
- (a) the examination, by authorised examiners or other persons authorised by the Department for the purpose, of motor vehicles submitted for examination under this paragraph;

- (b) the manner in which, conditions under which and apparatus with which such examinations are to be carried out, the maintenance of that apparatus in an efficient state, and the inspection of premises at which and apparatus with which such examinations are or are to be carried out;
- (c) the issue, where it is found on such an examination that the prescribed construction and use requirements are complied with, of a certificate (a “test certificate”) that at the date of the examination those requirements were complied with in the case of the vehicle;
- (d) the refusal of a test certificate for a vehicle which is so found not to comply with those requirements and for requiring a written notification to be given of any such refusal, and of the grounds of the refusal;
- (e) the form of and particulars to be contained in test certificates and notifications of refusal of test certificates;
- (f) the fees to be paid on the submission of vehicles for such examinations;
- (g) the issue of duplicates or copies of test certificates, and the fees to be paid therefor;
- (h) the keeping in a prescribed form and the inspection of registers of examinations and test certificates.²¹⁸

Power to prohibit driving of unfit vehicles

6I. (1) If in the course of any test, inspection or examination of a motor vehicle under this Part or under the *Road Transport Act 2001* (including inspections in conformity with prescribed conditions attached to a registration or an operator’s licence under section 16(1) of that Act) or under regulations made under section 13 of the *Licensing and Registration of Vehicles Act 1985* it appears to an authorised examiner that owing to any defects in the vehicle it is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road —

- (a) absolutely, or
- (b) for one or more specified purposes, or
- (c) except for one or more specified purposes.²¹⁹

(2) A prohibition under this paragraph shall come into force as soon as the notice under sub-paragraph (5) has been given if, in the opinion of the authorised examiner imposing it the defects in the vehicle in question are such that driving it, or driving it for any purpose within the prohibition, would involve a danger of injury to any person.

(3) Except where sub-paragraph (2) applies, a prohibition under this paragraph shall (unless previously removed under sub-paragraph (7)) come into force at such time not later than 10 days from the date of the inspection as seems appropriate

to the authorised examiner imposing the prohibition, having regard to all the circumstances.

(4) A prohibition under this paragraph shall continue in force until it is removed under sub-paragraph (7).

(5) An authorised examiner imposing a prohibition under this paragraph shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection —

- (a) specifying the defects which occasioned the prohibition;
- (b) stating whether the prohibition is on all driving of the vehicle or driving it for one or more specified purposes or driving it except for one or more specified purposes (and, where applicable, specifying the purpose or purposes in question); and
- (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.

(6) Where a notice has been given under sub-paragraph (5), any authorised examiner may —

- (a) grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose as may be specified in the exemption; or
- (b) by endorsement on the notice vary its terms and, in particular, alter the time at which the prohibition is to come into force or suspend it if it has come into force.

(7) Any authorised examiner may remove a prohibition under this paragraph if, after inspecting the vehicle and on payment of such fee (if any) for the inspection as may be prescribed, he is satisfied that the vehicle is fit for service, and where he does so, he shall forthwith give notice of the removal to the owner of the vehicle.

(8) Any person who, except in such circumstances as may be prescribed —

- (a) drives a vehicle in contravention of a prohibition under this paragraph, or
- (b) causes or permits a vehicle to be driven in contravention of such a prohibition,

shall be guilty of an offence.²²⁰

Power to prohibit driving of overloaded goods vehicle or PSV

6J. (1) This paragraph applies where —

- (a) a goods vehicle or public passenger vehicle has been weighed in pursuance of a requirement imposed under section 41(1), and²²¹
- (b) it appears to an authorised person —
 - (i) that the limit imposed by construction and use requirements with respect to any description of weight which is

applicable to that vehicle has been exceeded or would be exceeded if it were used on a road, or

- (ii) that by reason of excessive overall weight, or excessive axle weight on any axle, driving the vehicle would involve a danger of injury to any person.

(2) The authorised person may, whether or not a notice is given under paragraph 6I(5), give notice in writing to the person in charge of the vehicle prohibiting the driving of the vehicle on a road until —

- (a) that weight is reduced to that limit or is no longer excessive, as the case may be, and
- (b) notification is given under sub-paragraph (4) to whoever is for the time being in charge of the vehicle that it is permitted to proceed.

(3) The authorised person may also by a direction in writing require the person in charge of the vehicle to remove it (and, if it is a vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle or trailer in accordance with that direction.

(4) Notification under sub-paragraph (2)(b) —

- (a) must be in writing and be given by an authorised person, and
- (b) may be withheld until the vehicle has been weighed or reweighed in order to satisfy the person giving the notification that the weight has been sufficiently reduced.

(5) A person who, except in such circumstances as may be prescribed —

- (a) drives a vehicle in contravention of a prohibition under sub-paragraph (2), or
- (b) causes or permits a vehicle to be driven in contravention of such a prohibition, or
- (c) refuses, neglects or otherwise fails to comply within a reasonable time with a direction under sub-paragraph (3),

shall be guilty of an offence.

(6) In this paragraph —

“authorised person” means an authorised examiner or a person authorised to impose a requirement under section 41(1);

“public passenger vehicle” has the same meaning as in the *Road Transport Act 2001*.²²²

Testing of trailers

6K. The following provisions of this Part, namely paragraphs 4, 5, 6, 6H and 6I, apply to trailers as they apply to motor vehicles, subject to the following modifications —

- (a) references to the driver shall be construed as references to the driver of the motor vehicle by which the trailer is being, or was last, drawn; and
- (b) references to the driving of a vehicle shall be construed as references to the drawing of a trailer.²²³

PART III – MISCELLANEOUS AND SUPPLEMENTAL

Regulation of brakes, bells, lighting, etc, on pedal cycles [P1972/20/66]

7. (1) The Department may make regulations as to the use on roads of cycles, not being motor vehicles, their construction and equipment and the conditions under which they may be so used and, in particular, but without prejudice to the generality of the foregoing provision, as to —

- (a) the number, nature and efficiency of brakes;
- (b) the appliances to be fitted for signalling approach;
- (c) the lighting equipment and reflectors to be fitted, and the lighting of lamps at such times and in such circumstances as may be prescribed; and
- (d) the maintenance in proper working order, and the testing and inspection by persons authorised under the regulations, of any equipment prescribed under this sub-paragraph.²²⁴

(2) Regulations under this paragraph may provide for repealing bye-laws dealing with the same subject matter as the regulations, and for suspending while the regulations remain in force any power of making such bye-laws.

(3) Regulations under this paragraph as to the use on roads of cycles may prohibit the sale or supply, or the offer of a sale or supply, or the exposure for sale, of a cycle for delivery in such a condition that the use thereof on a road in that condition would be a contravention of the regulations, but no provision made by virtue of this sub-paragraph shall affect the validity of any contract or any rights arising under a contract.

(4) If a person sells, supplies or offers to sell or supply or exposes for sale, a cycle in contravention of any prohibition imposed by regulations made by virtue of sub-paragraph (3) he shall be guilty of an offence, unless he proves —

- (a) that it was sold, supplied or offered for export from the Island; or
- (b) that he had reasonable cause to believe that it would not be used on a road in the Island, or would not be so used until it had been put into a condition in which it might lawfully be so used.

Regulation of brakes on horse-drawn vehicles

[P1972/20/67]

8. (1) The Department may make regulations for regulating the number, nature and use of brakes, including skid-pans and locking-chains, in the case of vehicles drawn by horses or other animals, or any class of such vehicles, when used on roads.²²⁵

(2) Regulations under this paragraph may be made for securing that such brakes shall be efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere.

(3) Regulations under this paragraph may provide for repealing bye-laws dealing with the same subject matter as the regulations, and for suspending while the regulations remain in force any power of making such bye-laws.

Offence of selling, etc, a reflector or tail lamp not complying with prescribed requirements

[P1972/20/81(2)]

9. If any person sells, or offers or exposes for sale, any appliance adapted for use as a reflector or tail lamp to be carried on a vehicle in accordance with the provisions of any regulations made under this Act, not being an appliance which complies with the construction and use requirements applicable to a class of vehicles for which the appliance is adapted, he shall be guilty of an offence.

Prosecutions

9A. Without prejudice to section 60 (prosecutions), proceedings for an offence under paragraph 6A(3), 6B(3) or (6) or 7(4) may be instituted by an authorised examiner.²²⁶

Interpretation

[P1972/20/82; P1974/50/10(7), 24(3) and Schs 2 and 7]

10. In this Schedule —

“**authorised examiner**”, for the purpose of any provision of this Schedule, means a member of the Isle of Man Constabulary, or a person appointed by the Department as an examiner for the purpose of that provision;²²⁷

“**construction and use requirements**” means requirements, whether applicable generally or at specified times or in specified circumstances, imposed under paragraph 1 or 7;

“**plated particulars**” means such particulars as are required to be marked on a goods vehicle in pursuance of regulations under paragraph 1 by means of a plate;

“**plated weights**” means such weights as are required to be so marked under paragraph 1;

“**sold or supplied by retail**” means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of re-supply for a valuable consideration;

“**tail lamp**” means, in relation to a vehicle, any lamp carried attached to the vehicle for the purpose of showing a red light to the rear in accordance with regulations under paragraph 1 or 7.

SCHEDULE 3

Section 34

PART I – DRIVING LICENCES

Drivers of motor vehicles to have driving licences
[1978/14/1; P1972/20/84; P1976/3/Sch 1]

1. (1) It shall be an offence for a person to drive on a road a motor vehicle of any class otherwise than in accordance with a driving licence authorising him to drive a motor vehicle of that class.²²⁸

(2) It shall be an offence for a person to cause or permit another person to drive on a road a motor vehicle of any class otherwise than in accordance with a driving licence authorising him to drive a motor vehicle of that class.²²⁹

(3) Regulations may provide that a person who becomes resident in the Island shall, during the prescribed period after he becomes so resident, be treated for the purposes of sub-paragraphs (1) and (2) as the holder of a licence authorising him to drive motor vehicles of the prescribed classes if he satisfies the prescribed conditions and is the holder of a permit of the prescribed description authorising him to drive vehicles under the law of a country outside the Island; and the regulations may provide for the application of any enactment relating to licences or licence holders, with or without modifications, in relation to any such permit and its holder respectively.

(4) Without prejudice to the generality of sub-paragraph (3), regulations under that sub-paragraph may –

- (a) require the holder of a permit of a prescribed description, in such circumstances as may be prescribed, to produce the permit to the Department and to provide the Department with prescribed information; and
- (b) require the Department to endorse the permit with any information so provided; and
- (c) enable the Department, in such circumstances as may be prescribed, by notice to the holder of such a permit to require him to surrender it to the Department.²³⁰

(5) A person who contravenes or fails to comply with such a requirement as is mentioned in sub-paragraph (4)(a) or (c) is guilty of an offence.²³¹

Tests of competence to drive
[P1972/20/85; P1976/3/Sch 1; P1981/56/23(6)]

2. (1) Subject to the provisions of this Schedule as to provisional licences and to the provisions of any regulations made by virtue of paragraph 22(1)(f), a licence authorising the driving of motor vehicles of any class shall not be granted to a person unless he satisfies the Department —

- (a) that at some time during the period of 10 years ending on the date of coming into force of the licence applied for he has passed the test of competence to drive prescribed by virtue of sub-paragraph (2) or a test of competence which under sub-paragraph (4) is a sufficient test, or²³²
- (b) that within the said period of 10 years he has held a licence authorising the driving of vehicles of that class, not being a provisional licence or a licence granted by virtue of section 50(4) of the *Road Traffic Act 1963*, or
- (c) that he is the holder of a licence granted under a relevant external law for the year then current or for the preceding year or any part of those years to drive vehicles of that class, not being a licence corresponding to a provisional licence or a licence granted under any provision of that law corresponding to the said section 50(4), and is not, at the time of application for the licence, disqualified under that law for holding or obtaining a licence thereunder to drive vehicles of any class, or
- (d) that he is the holder of a foreign licence of such kind as may be prescribed authorising the driving of vehicles of a category corresponding to that class, and that such conditions (if any) as may be prescribed are satisfied,²³³

and for the purpose of head (c), “relevant external law” means the law for the time being in force in any part of the United Kingdom or any of the Channel Islands that corresponds to this Schedule.²³⁴

(2) Regulations may make provision with respect to the nature of tests of competence to drive for the purposes of this paragraph, 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 having effect by virtue of this sub-paragraph may provide —

- (a) for requiring a person submitting himself for a test to provide a suitable vehicle, and for specifying the classes or descriptions of vehicles which are or are not to be regarded as suitable, for the purpose of the test;²³⁵
- (b) for requiring a fee of such amount to be specified in the regulations to be paid by a person who submits himself for a test or applies for an appointment for a test;

- (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 period specified in the regulations except under an order made by the Department under the power conferred by sub-paragraph (3).²³⁶

(2A) Regulations may provide that a person may not submit himself for a test of competence authorising the granting of a licence to drive motor cycles, or motor cycles of a specified class, unless —

- (a) he produces a prescribed certificate that he has successfully completed a course of training for drivers of motor cycles approved pursuant to regulations under paragraph 6(3A); and
- (b) he is wearing prescribed clothing.²³⁷

(2B) Regulations may provide that a person may not submit himself for a test of competence authorising the granting of a licence to drive vehicles of a class specified in the regulations unless he holds a licence (not being a provisional licence) to drive vehicles of another class so specified.²³⁸

(2C) Regulations may provide that a person may not submit himself for a test of competence authorising the granting of a licence to drive vehicles of a class specified in the regulations unless he satisfies the Department that he has, at some time during the period of 2 years ending on the date of the test, passed a theory test prescribed by virtue of sub-paragraph (2D).²³⁹

(2D) In sub-paragraph (2C) “theory test” means a test carried out for the purpose of establishing whether a person has sufficient knowledge and understanding of such matters relevant to the safe, competent and careful driving of motor vehicles as may be prescribed; and regulations may make provision for the nature and conduct of such tests, evidence of the results thereof and generally with respect thereto.²⁴⁰

(2E) Regulations may provide that a person may not submit himself for a test of competence authorising the granting of a licence to drive vehicles of a class specified in the regulations unless —

- (a) the person has completed a prescribed minimum number of hours of driving practice under the supervision of another person who holds a licence and is not younger than a prescribed age; such hours to meet prescribed specifications regarding the times at which, and the weather-related and other conditions in which, some or all of them must be completed;
- (b) the completion of each of the abovementioned hours has been truthfully and accurately recorded in such manner as may be prescribed; and
- (c) the aforementioned record of completion —
 - (i) has been presented for inspection at the prescribed place and time; or

- (ii) is available to be presented for inspection immediately before the test of competence is taken (unless the regulations stipulate that presentation of the record at this time is unacceptable).²⁴¹

(2F) A person who, with intent to deceive, enters false, misleading or inaccurate information in a record referred to in subparagraph (2E)(b) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale, or to disqualification for driving for a period not exceeding 12 months, or to both.²⁴²

(3) The Department shall have the power to determine on appeal by the applicant whether the test was properly conducted in accordance with the regulations, and if it appears to the Department that the test was not so conducted the Department 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 sub-paragraph (2)(c) 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.²⁴³

(4) For the purposes of sub-paragraph (1)(a) a test of competence shall be sufficient for the granting of a licence authorising the driving of —

- (a) vehicles of any class, if at the time the test was passed it authorised the granting of a licence to drive vehicles of that class;
- (b) vehicles of any classes which are designated by regulations as a group for the purposes of sub-paragraph (2), if at the said time the test authorised the granting of a licence to drive vehicles of any class included in the group;

and if vehicles of any classes are designated by regulations as a group for the purposes of sub-paragraph (1)(b), a licence authorising the driving of vehicles of a class included in the group shall be deemed for the purposes of the said sub-paragraph (1)(b) to authorise the driving of vehicles of all classes included in the group.

(5) The last reference in sub-paragraph (4) and the first reference in sub-paragraph (1)(b) to a licence do not include a licence which has been revoked in pursuance of paragraph 7(2).

(6) In this paragraph “foreign licence” means a document issued in respect of a country outside the British Islands by an authority of that or another country (including the United Kingdom) authorising the holder to drive a motor vehicle.²⁴⁴

Repayment of test fees

[P1972/20/86]

3. A fee paid in pursuance of regulations made under paragraph 2(2) on application for an appointment for a test may be repaid in the following cases and not otherwise, that is to say —

- (a) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Department; or²⁴⁵

- (b) if the person for whom the appointment is made gives such notice cancelling the appointment as may be prescribed for the purposes of this paragraph by the said regulations; or
- (c) if the person for whom the appointment is made keeps the appointment, but the test does not take place, or is not completed, for reasons attributable neither to him or to any vehicle provided by him for the purposes of the test; or
- (d) if an order for the repayment of the fee is made by the Department under paragraph 2(3) pursuant to a finding that the test was not properly conducted in accordance with the regulations.²⁴⁶

Requirements as to physical fitness of drivers

[1978/14/2; P1972/20/87]

4. (1) A person applying for the grant of a licence must include in his application a declaration, in such form as may be prescribed, stating —

- (a) whether he is suffering from or has at any time or, if a period is prescribed for the purpose of this sub-paragraph, has during that period suffered from a prescribed disability or from any other disability likely to cause the driving of a vehicle by him in pursuance of the licence applied for to be a source of danger to the public (such prescribed or other disability being referred to as a “relevant disability”); or
- (b) in a case where the applicant states that he is not suffering from a relevant disability, whether he is suffering from a disability that, by virtue of its intermittent or progressive nature or otherwise, may become a relevant disability in the course of time or, if a period is prescribed for the purpose of this sub-paragraph, during that period (such a disability being referred to as a “prospective relevant disability”).

(2) Except where otherwise provided by this paragraph, the Department must refuse to grant a licence if it is satisfied from the declaration or from other information that the applicant is suffering from a relevant disability.

(3) The Department shall not refuse to grant a licence, —

- (a) on account of a relevant disability that is prescribed for the purposes of this head, if the applicant has at any time passed a relevant test and it does not appear to the Department that the disability has arisen or become more acute since that time or was for whatever reason not disclosed to the Department at that time;
- (b) on account of any relevant disability that is prescribed for the purposes of this head, if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence to a person whose disability is appropriately controlled; or

- (c) on account of any relevant disability that is prescribed for the purposes of this head, if the application is for a provisional licence.

(4) If on enquiry or as a result of a test of competence to drive taken by a person, the Department is satisfied that the person is suffering from a disability such that there is likely to be danger to the public —

- (a) if he drives a vehicle;
- (b) if he drives a vehicle other than a vehicle of a particular construction or design; or
- (c) if he drives a vehicle except in accordance with specified conditions, which may include conditions removing or limiting the provisional entitlement mentioned in paragraph 6(5),

the Department must serve on the person a written notice to that effect and include in it a description of the disability.

(5) If a notice is served under sub-paragraph (4) on a person —

- (a) any licence held by him becomes void; and
- (b) the notice must contain a requirement that the licence be returned to the Department forthwith.

(6) Where a notice is served on a person by virtue of subparagraph (4)(a) and the disability is not prescribed under subparagraph (1), the disability is to be taken to be so prescribed in relation to the person and the Department must not grant the person any new licence.

(7) Where a notice is served on a person by virtue of subparagraph (4)(b), the Department must limit any new licence it grants to the person to driving vehicles of the construction or design specified in the notice.

(8) Where a notice is served on a person by virtue of subparagraph (4)(c), the Department must include in any new licence it grants to the person the conditions provided for in that subparagraph.

(9) The Department may revoke a licence if it is satisfied on a balance of probabilities that the licence holder is suffering from a prospective relevant disability; but the Department's exercise of this power is subject to the following conditions' being satisfied beforehand, —

- (a) the Department must serve on the licence holder written notice of its intention to revoke the licence, and such notice must specify the evidence on which the proposed revocation is based;
- (b) the licence holder must be given an opportunity to make representations on his or her behalf, and details of this opportunity must be specified in the notice referred to in head (a);
- (c) the Department must take into account and give due regard to any representations made under head (b);
- (d) the Department must offer to the licence holder the opportunity to take a test of competence to drive which, should the licence holder

pass, will entitle the licence holder to keep the licence; provided that the offer of such a test must not be made if the Department is not satisfied to the abovementioned standard of proof; and

- (e) where it decides to revoke the licence, the Department —
 - (i) must —
 - (A) notify the licence holder in writing of its decision;
 - (B) advise the licence holder of his or her right to appeal to the High Bailiff; and
 - (C) provide details of how that right may be exercised; and
 - (ii) must not proceed with the revocation until either —
 - (A) the deadline for appealing to the High Bailiff passed without an appeal having been filed; or
 - (B) the decision of the Department has been upheld on such an appeal.

- (10) A person commits an offence if he —
 - (a) makes a declaration mentioned in sub-paragraph (1) that he knows to be false;
 - (b) drives a motor vehicle on a road contrary to any limitation or condition included in his licence by virtue of subparagraph (7) or (8); or
 - (c) when required to return a licence to the Department forthwith by a notice served on him under this paragraph, fails to do so.

(11) For the purposes of sub-paragraph (3)(a), a person to whom a licence was granted after the making of a declaration under paragraph (c) of the proviso to section 5(2) of the *Road Traffic Act 1933* (which contained transitional provisions with respect to certain disabilities) is to be treated as having passed, at the time of the declaration, a relevant test in respect of the vehicles of the classes or descriptions to which the licence related.

(12) In this paragraph “relevant test”, in relation to an application for a licence, means —

- (a) a test of competence to drive;
- (b) a test of competence under section 50 of the *Road Traffic Act 1963*; or
- (c) a test of fitness or ability in pursuance of section 51 of the *Road Traffic Act 1963* as originally enacted,

being a test authorising the grant of a licence in respect of vehicles of the classes to which the application relates.

(13) Sub-paragraph (14) applies where an applicant for a licence has passed a test of competence to drive that, under a provision of any law of any part of the United Kingdom or of any of the Channel Islands corresponding to paragraph 2(2) or (4) —

- (a) is prescribed in relation to vehicles of the classes to which the application relates; or
- (b) is sufficient under that law for the granting of a licence authorising the driving of vehicles of those classes.

(14) For the purposes of sub-paragraph (3)(a) —

- (a) the applicant is to be treated as having passed a relevant test on the day he passed the test mentioned in subparagraph (14); and
- (b) any disclosure of a disability to the authority having power under the relevant law to grant a licence to drive a motor vehicle is to be treated as a disclosure to the Department.

4A (1) This paragraph applies to an application to renew a licence to drive —

- (a) a vehicle within category C or D;
- (b) a combination of vehicles within category C+E or D+E; or
- (c) a vehicle prescribed for the purpose of this paragraph.

(2) The application must be accompanied by a certificate issued by a medical practitioner stating that the applicant is still fit to drive the vehicle or combination of vehicles.

(3) In this paragraph a vehicle or a combination of vehicles is within a category if it is within that category for the purposes of the Driving Licences and Tests Regulations 2007 or any regulations revoking and re-enacting those regulations (whether with or without modification).²⁴⁷

4B (1) The Department must not grant a licence on an application made by a person aged 75 or over unless the Department is satisfied by evidence accompanying the application that the person has passed a test that shows that the person is not suffering from an eyesight disability.

(2) In this paragraph, “eyesight disability” means —

- (a) the disability prescribed in regulation 14(1)(g) of the Driving Licences and Tests Regulations 2007 or any regulations revoking and re-enacting those regulations (whether with or without modification); but
- (b) if some other disability is prescribed for the purpose of this paragraph, that disability.²⁴⁸

Provision of information etc relating to disabilities

[1978/14/2; P1972/20/87A; P1974/50/Sch 3]

5. (1) If the prescribed circumstances obtain in relation to a person who is an applicant for, or the holder of a licence, or if the Department has reasonable grounds for

believing that a person who is an applicant for, or is the holder of, a licence, may be suffering from a relevant disability or a prospective relevant disability, then for the purposes of enabling the Department to satisfy itself whether or not that person may be suffering from that or any other relevant disability or a prospective relevant disability, the Department may by notice in writing served on that person —

- (a) require him to furnish to the Department, within such reasonable time as may be specified in the notice, such an authorisation as is referred to in sub-paragraph (2); or²⁴⁹
 - (b) require him, as soon as practicable, to arrange to submit himself for examination by such medical practitioner or practitioners as may be nominated by the Department, for the purpose of determining whether or not he suffers or has at any time suffered from a relevant disability or a prospective relevant disability; or²⁵⁰
 - (c) except where the application for the licence is for, or the licence held is, a provisional licence, require him to submit himself for such a test of competence to drive as the Department directs in the notice and for that purpose supply a dual-control motor vehicle.^{251 252}
- (2) The authorisation referred to in sub-paragraph (1)(a) —
- (a) shall be in such form and contain such particulars as may be specified in the notice by which it is required to be furnished; and
 - (b) shall authorise any medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned to release to the Department any information which he may have, or which may be available to him, with respect to the question whether, and if so to what extent, the applicant or licence holder concerned may be suffering, or may at any time have suffered, from a relevant disability or a prospective relevant disability.²⁵³
- (3) If the Department considers it appropriate to do so in the case of any applicant or licence holder, the Department —
- (a) may include in a single notice under sub-paragraph (1) requirements under more than one head of that sub-paragraph; and²⁵⁴
 - (b) may at any time after the service of a notice under that sub-paragraph serve a further notice or notices thereunder.²⁵⁵
- (4) If a person on whom a notice is served under sub-paragraph (1) fails without reasonable excuse to comply with a requirement contained in the notice, the Department may exercise its powers under paragraph 4 as if the Department were satisfied that the applicant or licence holder concerned was suffering from a relevant disability which is not prescribed for the purpose of any head of sub-paragraph (3) of that paragraph.²⁵⁶

(5) If a person on whom a notice is served under sub-paragraph (1) fails a test of competence that he is required to take under sub-para (1)(c), his licence shall be taken to be revoked on the day following the test, but without prejudice to an application for a provisional licence being made.²⁵⁷

(6) When a medical practitioner carries out a function under this paragraph

—

- (a) the Department must pay the medical practitioner such fee or expenses as are prescribed in respect of the function; and
- (b) the amount paid by the Department is a debt due to the Department from the person in respect of whom the function was carried out.²⁵⁸

(7) A medical practitioner when carrying out a function for the purpose of this paragraph must have regard to any relevant provision of the document called “Assessing fitness to drive – a guide for medical professionals”, published by the Driver and Vehicle Licensing Agency in Great Britain in March 2019, or any superseding document published subsequently by the said Agency.²⁵⁹

5A. (1) If at any time during the period for which a licence remains in force, the licence holder becomes aware —

- (a) that he is suffering from a relevant disability or a prospective relevant disability which he has not previously disclosed to the Department, or²⁶⁰
- (b) that a relevant disability or a prospective relevant disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the licence was granted,²⁶¹

the licence holder must forthwith notify the Department in writing of the nature and extent of his disability.²⁶²

(2) The licence holder is not required to notify the Department under sub-paragraph (1) above if —

- (a) the disability is one from which he has not previously suffered, and
- (b) he has reasonable grounds for believing that the duration of the disability will not extend beyond the period of 3 months beginning with the date on which he first becomes aware that he suffers from it.²⁶³

(3) A person who fails without reasonable excuse to notify the Department as required by sub-paragraph (1) is guilty of an offence.²⁶⁴

(4) [Repealed]^{265 266}

Grant of licences

[1978/14/3 and 4; P1972/20/88; P1974/50/13, 24 and Sch 3 and 7; P1976/3/1 and Sch 1; P1981/56/23(1) to (3)]

6. (1) Subject to paragraph 4, the Department shall, on payment of the prescribed fee, grant a licence to a person who —

- (a) makes an application for it in such manner and containing such particulars as the Department may specify;²⁶⁷
- (aa) in such circumstances as the Department may direct, furnishes either —
 - (i) a photograph of himself, of such a description and certified by such a person as the Department may specify;²⁶⁸
 - (ii) the part referred to in the former sub-paragraph (3B)(a) of a licence previously granted to him; or²⁶⁹
 - (iii) a licence previously granted to him which includes an image of the holder;^{270 271}
- (ab) where he claims to be entitled to the licence as the holder of a licence referred to in paragraph 2(1)(c) or (d), surrenders that licence to the Department;²⁷²
- (b) furnishes the Department with such evidence or further evidence in support of the application as the Department may require; and²⁷³
- (c) is not disqualified by reason of age or otherwise from obtaining the licence for which he makes the application and is not prevented from obtaining it by the provisions of paragraph 2.²⁷⁴

(1A) Except in such cases as may be prescribed, a licence shall not be granted to a person unless he satisfies the Department that on the date the application for the licence is made —

- (a) he is normally resident in the Island, or
- (b) he has been attending a course of study in the Island during the period of 6 months ending on that date.²⁷⁵

(2) If the application states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose.²⁷⁶

(2A) and (2B) [Repealed]²⁷⁷

(2C) Sub- paragraph (2CA) applies where —

- (a) pursuant to paragraph 2 a person is required to pass a test of competence to drive a motor vehicle of any class before he becomes entitled to hold or obtain a full licence authorising him to drive motor vehicles of that class; or

- (b) a person is driving a vehicle of any class by virtue of a provisional entitlement conferred by a full licence.²⁷⁸

(2CA) The person shall be subject to the prescribed restrictions —

- (a) while holding a provisional licence authorising the driving of a motor vehicle of that class; or
- (b) while driving a vehicle of any class by virtue of a provisional entitlement conferred by a full licence.²⁷⁹

(2D) In this paragraph “the prescribed restrictions” means such restrictions, conditions, requirements or prohibitions as are prescribed for the purpose of this paragraph.²⁸⁰

(2E) The prescribed restrictions shall include —

- (a) a requirement, except in prescribed cases, that a distinguishing mark of such a nature as may be prescribed shall be displayed in such manner as may be prescribed on any motor vehicle while it is being driven on a road by a person who is subject to the prescribed restrictions while driving that vehicle;
- (b) a prohibition on driving on any road at a speed exceeding 50 miles per hour, or such other speed as may be prescribed, any motor vehicle on which the said distinguishing mark is required to be displayed; and
- (c) a prohibition on driving on a road a motor bicycle without a sidecar unless it is a learner motor cycle or a moped; and²⁸¹
- (d) a prohibition on driving on a road a motor cycle, or a motor cycle of a specified class, unless the driver —
 - (i) holds a prescribed certificate that he has successfully completed a course of training approved pursuant to regulations under sub-paragraph (3A), or
 - (ii) is driving the motor cycle on a road as part of such a course of training.²⁸²

(2F) Without prejudice to the generality of sub-paragraph (2D), the prescribed restrictions may include a prohibition, in prescribed cases, on the driving of vehicles other than those of prescribed classes.²⁸³

(3) [Repealed]²⁸⁴

(3A) Regulations may provide for the approval by the Department of courses of training for drivers of motor cycles; and the regulations may in particular make provision as to —

- (a) the nature and content of such courses, including the nature and content of any examinations and tests to form part of them, and the clothing to be worn by those taking such courses;²⁸⁵

- (b) the authorisation by the Department of persons who may conduct such courses;
- (c) the qualifications and experience required of such persons;
- (d) the administration of tests or examinations to persons applying for, or for the renewal of, and to persons holding, such authorisations, and the nature and contents of such tests and examinations;
- (e) the procedure for obtaining by such persons of such authorisations, and for the duration and cancellation of such authorisations, including provision for the review of any decision to refuse or cancel such an authorisation;
- (f) the form, issue and surrender of certificates verifying that persons are authorised as mentioned in (b) above;
- (g) the form, supply and issue of certificates for use in connection with such courses of training (including such certificates as are mentioned in sub-paragraph (2E)(d)(i));
- (h) the production to constables and to persons authorised for the purpose by the Department of any certificate referred to in (f) or (g) above;
- (i) the maintenance by persons conducting such courses of documents and records in connection therewith, and the production of such documents and records to persons authorised for the purpose by the Department; and
- (j) the maximum charges which may be made for taking part in such courses.²⁸⁶

(3AA) A person who —

- (a) conducts a course of training which purports to be approved in accordance with regulations under sub-paragraph (3A) which is not so approved;
- (b) conducts a course of training so approved when he is not authorised to do so in accordance with such regulations;
- (c) fails to maintain or to produce in accordance with such regulations any certificate, document or record required to be maintained or produced; or
- (d) issues any certificate in connection with such a course otherwise than in accordance with such regulations,

shall be guilty of an offence.²⁸⁷

(3B) [Repealed]²⁸⁸

(3C) [Repealed]²⁸⁹

(4) A licence shall be in such form as the Department may determine, and shall contain or be logically associated with relevant information.²⁹⁰

(4A) “**Relevant information**” is such information as the Department may determine should be kept about —

- (a) the holder;
- (b) the licence;
- (c) the classes of vehicle which it authorises the holder to drive; and
- (d) the conditions and restrictions, if any, subject to which it authorises the holder to drive vehicles.²⁹¹

(4B) If the relevant information is not contained in the licence, the way in which the licence is logically associated with that information must be such as to enable a constable or a person authorised for the purpose by the Department to access that information in such manner as the Department may determine.²⁹²

(4C) For the sake of clarity, the information which may be contained in a licence or logically associated with it includes information about whether the holder has expressed a request that his or her body, or any specified part of it, be used for any of the purposes mentioned in section 1(1) of the *Human Tissue Act 1986*.

If information of the kind mentioned in this sub-paragraph is contained in, or logically associated with, the licence it shall be conclusively presumed that —

- (a) the holder had expressed such a request; and
- (b) the request had not been withdrawn before the holder’s death.²⁹³

(4D) Despite the repeal of sub-paragraphs (3B) and (3C) by the *Road Traffic (Amendment) Act 2015* —

- (a) a licence which was in force immediately before the repeal of sub-paragraph (3B) continues in force until its expiry, revocation, surrender or amendment (whichever occurs first); and
- (b) a statement included in a licence in reliance on sub-paragraph (3C) continues to have the effect that it had under that sub-paragraph.²⁹⁴

(5) Subject to sub-paragraph (6), a licence (except a provisional licence) which, apart from this sub-paragraph, authorises its holder to drive motor vehicles of certain classes only shall also authorise him to drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive the last-mentioned vehicles; but a licence shall not by virtue of this sub-paragraph authorise a person to drive —

- (a) a vehicle which he is prohibited from driving by section 4; or
- (b) unless he has passed the test of competence to drive such a vehicle, a motor-cycle which, by virtue of the prohibition mentioned in sub-paragraph (2E)(c), a provisional licence would not authorise him to drive before he had passed that test.^{295 296}

(6) In such cases as the Department may prescribe, the provisions of sub-paragraph (5) shall not apply or shall apply subject to such limitations as it may prescribe.²⁹⁷

(7) [Repealed]²⁹⁸

(8) Where an applicant for a provisional licence holds such a licence or has held one during the period of 12 months ending on the date of coming into force of the licence applied for, and has held a previous provisional licence within the period of 12 months ending on the date of coming into force of the last provisional licence held by him, the Department may refuse to grant the licence applied for unless either —

- (a) the applicant has submitted himself to a relevant test during the currency of the last provisional licence held by him, or
- (b) he satisfies the Department that he has reasonable cause for not having done so,²⁹⁹

and (in either case) before the date of the application for the licence he has applied to submit himself to such a test to be taken within 6 months after the date of the application for the licence.³⁰⁰

(9) In this paragraph “relevant test” has the meaning assigned to it by paragraph 4(13).³⁰¹

(10) [Repealed]³⁰²

(10) Any person who contravenes any of the prescribed restrictions commits an offence.³⁰³

Speed limit on vehicles displaying mark prescribed for learner-drivers

6A. Any person who drives on a road at a speed exceeding 50 miles per hour, or such other speed as may be prescribed under paragraph 6(2E)(b), a motor vehicle displaying such a distinguishing mark as is referred to in paragraph 6(2E)(a), whether or not he is subject to the prescribed restrictions (within the meaning of paragraph 6(2D)), is guilty of an offence.³⁰⁴

Restrictions on newly qualified drivers etc

6B. (1) Where, pursuant to paragraph 2 or an order under paragraph 11(5), a person is required to pass a test of competence to drive motor vehicles of any class or an extended test with respect to motor vehicles of any class before he becomes entitled to hold or obtain a full licence authorising him to drive motor vehicles of that class, he shall, for a period of 24 months or such lesser period as may be prescribed —

- (a) from the coming into force of the first such licence granted to him by reason of his passing that test, or
- (b) from the return to him by reason of his passing that test of a licence previously held by him,

as the case may be, be subject to the prescribed restrictions while driving on a road a motor vehicle of any class in respect of which he was not, immediately before he passed that test, entitled to drive or hold a licence.³⁰⁵

(1A) Where a person has passed such a test, that person shall, until the coming into force of the licence referred to in sub-paragraph (1)(a), be subject to the prescribed restrictions while driving on a road a motor vehicle of any class in respect of which that person was not, immediately before passing that test, entitled to drive or hold a licence.³⁰⁶

(1B) Sub-paragraph (1C) applies where a person —

- (a) has passed a test referred in sub-paragraph (1) in respect of a class of motor vehicles and has consequently been granted a licence referred to in sub-paragraph (1)(a) to drive vehicles of that class or has had returned to him under subparagraph (1)(b) a licence to drive vehicles of that class; and
- (b) has subsequently passed a prescribed course of driving instruction.³⁰⁷

(1C) The person shall cease to be subject to the prescribed conditions while driving vehicles of that class —

- (a) one year after the grant of the licence mentioned in subparagraph (1)(a) or the return of the licence mentioned in sub-paragraph (1)(b); but
- (b) if that period of one year has elapsed, forthwith.³⁰⁸

(1D) Where sub-paragraph (1C) applies to a person, the Department must accordingly amend or cancel the note or other indication entered or affixed to the person's licence in accordance with subparagraph (2).³⁰⁹

(2) Where the Department grant or return a licence to any person who, while driving a motor vehicle of any class specified in the licence, will for any period during the currency of the licence be subject to the prescribed restrictions, the Department shall enter on or affix to the licence a note or other indication to show the period of restriction, the class of vehicles affected by the prescribed restrictions and that the holder is subject for that period to the prescribed restrictions while driving vehicles of that class.

(3) In this paragraph “the prescribed restrictions” means such restrictions, conditions, requirements or prohibitions as are prescribed for the purpose of this paragraph, which shall include —

- (a) a requirement that a distinguishing mark of such a nature as may be prescribed shall be displayed in such manner as may be prescribed on any motor vehicle while it is being driven on a road by a person who is subject to the prescribed restrictions while driving that vehicle and the nature of the distinguishing mark may be different in different circumstances; and³¹⁰
- (b) a prohibition on driving on any road at a speed exceeding 50 miles per hour, or such other speed as may be prescribed, any motor vehicle on which the distinguishing mark referred to in paragraph (a) is required to be displayed.

(3A) Regulations prescribing the nature of a distinguishing mark may require the distinguishing mark to be accompanied (in such position, manner and size as may be prescribed) by a plate or disc incorporating such a statement and such plate or disc shall be treated as part of the distinguishing mark for the purposes of this paragraph.³¹¹

(4) Any person who contravenes any of the prescribed restrictions shall be guilty of an offence.

(5) Where, in any period during which a person is subject to the prescribed restrictions (a "period of restriction"), that person commits any offence while driving or in charge of a motor vehicle of any class in relation to which he is subject to the prescribed restrictions, and the court makes an order (other than an order under paragraph 11(5)) that he shall be disqualified for holding or obtaining a licence to drive a vehicle of that class, the court shall further order that he shall, for a period of 24 months commencing on the date on which he ceases to be so disqualified, be subject to the prescribed restrictions while driving a vehicle of that class.³¹²

(6) Where in a period of restriction any such person, while driving or in charge of a motor vehicle of any class in relation to which he is subject to the prescribed restrictions, commits —

- (a) an offence under sub-paragraph (4), or
- (b) an offence under section 2, 3, 5(2), 5A(1), 5AA(1) and (2), 5B(5), 5BA(6), 10 or 20,³¹³
- (c) an offence under section 22 (speed limits) of the *Road Traffic Regulation Act 1985*, or
- (d) any other offence relating to road traffic or motor vehicles which is prescribed for the purpose of this sub-paragraph,

the court by which he is convicted of that offence, if it does not order him to be disqualified for holding or obtaining a licence to drive a motor vehicle of that class, shall, in addition to any other penalty, order that for a further period of not less than 3 months and not more than 24 months from the date of expiry of the period of restriction, or from the date of the conviction if later, he shall be subject to the prescribed restrictions while driving a motor vehicle of that class.³¹⁴

(7) Where under sub-paragraph (5) or (6) a court orders that a person shall be subject for a period specified in the order to the prescribed restrictions while driving motor vehicles of any class so specified, the court shall further order that every licence held by him during that period authorising him to drive vehicles of that class shall be endorsed with such a note or indication as is mentioned in sub-paragraph (2), and paragraph 20 shall apply with any necessary modifications to an order under this sub-paragraph as it applies to an order imposing a disqualification for holding or obtaining a licence.

(8) This paragraph does not apply to the holder of a licence authorising him to drive, or to a person driving, motor vehicles of such classes or in such circumstances as may be prescribed.³¹⁵

Speed limit on vehicles displaying marks prescribed for newly-qualified drivers

6C. Any person who drives on a road at a speed exceeding the maximum speed permitted under paragraph 6B(3)(b) in a motor vehicle displaying a distinguishing mark referred to in paragraph 6B(3)(a), whether or not he is subject to the prescribed restrictions (within the meaning of paragraph 6B(3)), is guilty of an offence.³¹⁶

6D. (1) The Department may by order make provision for the purpose of applying paragraph 6B to any person who —

- (a) is temporarily in the Island; or
- (b) is in the Island with the intention of becoming resident; or
- (c) has become resident in the Island but the period prescribed for the purpose of paragraph 1(3) has not expired,

and is authorised to drive a vehicle on a road in the Island by reason of being the holder of a permit authorising that person to drive a vehicle under the law of a country or territory outside the Island.

(2) An order under sub-paragraph (1) may make such modifications to paragraph 6B as the Department considers to be necessary for the purpose mentioned in sub-paragraph (1).

(3) This paragraph is without prejudice to the power to make regulations under paragraph 1(3).

(4) An order under this paragraph shall not come into operation unless it is approved by Tynwald.³¹⁷

Duration of licences

[1978/14/3; P1972/20/89; P1974/50/13(1) and Sch 3; P1981/56/23(4) and (5)]

7. (1) A licence shall, unless previously revoked or surrendered, remain in force, subject to sub-paragraph (2), —

- (a) except in a period falling within head (aa), (b), (c) or (d), for a period of 10 years;³¹⁸
- (aa) except in a case falling within head (b), (c) or (d), in the case of a licence to be granted to a person over 65 years of age, for the period ending on the 75th anniversary of his birth or for a period of 3 years, whichever is the longer;³¹⁹
- (b) except in a case falling within head (c) or (d), in the case of a licence to be granted to a person over 75 years of age or (if the Department so determines) to a person appearing to the Department to be suffering from a relevant disability or a prospective relevant disability, for such period of not more than 3 years and not less than one year as the Department may determine;³²⁰
- (c) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the

- period authorised by this head, for a period equal to the remainder of that period for which the subsisting licence was granted; and
- (d) in the case of a provisional licence, such period as may be prescribed or, if the Department so determines in the case of a licence to be granted to such a person as is referred to in head (b), for such shorter period of not less than 6 months as the Department may determine;³²¹

and any such period shall begin with the date on which the licence in question is expressed to come into force.

- (2) Where it appears to the Department —
- (a) that a licence granted by it to any person is required to be endorsed in pursuance of any enactment or was granted in error or with an error or omission in the particulars specified in the licence or required to be so endorsed on it; or
- (b) that the particulars specified in a licence granted by it to any person do not comply with any requirement imposed since the licence was granted by any provision made by or having effect under any enactment;

the Department may serve notice in writing on that person revoking the licence and requiring him to deliver up the licence forthwith to the Department.³²²

(3) On the surrender of a licence by any person in pursuance of sub-paragraph (2), the Department —

- (a) shall (except where the licence was granted in error or is surrendered in pursuance of sub-paragraph (2) in consequence of an error or omission appearing to the Department to be attributable to that person's fault or in consequence of a current disqualification), and³²³
- (b) may in such an excepted case which does not involve a current disqualification,

grant to that person free of charge a new licence for such a period that it expires on the date on which the surrendered licence would have expired had it not been surrendered.³²⁴

Appeals relating to licences

[1978/14/5; P1972/20/90; P1974/50/13(1) and Sch 3]

8. (1) A person who is aggrieved by the Department's —
- (a) refusal to grant or revocation of a licence in pursuance of paragraph 4; or
- (b) grant of a licence for less than 3 years in pursuance of paragraph 7(1)(b); or

- (c) determination under paragraph 7(1)(d) to grant a provisional licence for a period shorter than that prescribed thereunder; or
- (d) revocation of licence in pursuance of paragraph 7(2); or
- (e) refusal to grant a licence in pursuance of paragraph 6(8);

or by a notice served on him in pursuance of paragraph 4(4) or (9) may, after giving notice to the Department of his intention so to do, appeal to a court of summary jurisdiction, and on any such appeal the court may make such order as it thinks fit, including the award of costs, and any such order shall be binding on the Department.³²⁵

(2) Every appeal under this paragraph shall be by way of petition praying for an order.

(3) It is hereby declared that, in any proceedings under this paragraph, the court is not entitled to entertain any question as to whether the appellant passed a test of competence to drive if he was declared by the person who conducted it to have failed it.

Driving with uncorrected defective eyesight

[P1972/20/91]

9. (1) (1) A person commits an offence if he drives a motor vehicle on a road while his eyesight is such, whether through a defect which cannot be, or one which is not, for the time being sufficiently corrected, that he cannot comply with the requirement as to eyesight prescribed under this Schedule.

(2) A constable having reason to suspect that a person driving a motor vehicle may have committed an offence under sub-paragraph (1) must report the circumstances to the Department.

(3) The Department must require the person to submit to a test to ascertain if he can comply with the requirement as to eyesight prescribed under this Schedule.

(4) If the person —

- (a) fails to agree to taking the test, or fails to take it, forthwith; or
- (b) fails the test,

the Department must serve a written notice on him revoking his licence and requiring him to return it forthwith to the Department.

(5) A person commits an offence if, when required to return a licence to the Department forthwith by a notice served on him under subparagraph (4), he fails to do so.³²⁶

Notification of a disability³²⁷

[P1972/20/92; P1974/50/13(1) and Sch 3]

10. (1) If, in any proceedings for an offence committed in respect of a motor vehicle, it appears to the court that the accused may be suffering from any disability

which would be likely to cause the driving by him of a motor vehicle to be a source of danger to the public, the court shall notify the Department, and if he holds a driving licence, also the authority, if known to the court, by whom it was granted.³²⁸

(2) [Repealed]³²⁹

*Driver licensing and vehicle information*³³⁰

10A. (1) The Department may maintain an electronic database containing the information which the Department has determined should be kept under paragraph 6(4) to (4C) and may combine it with any database it maintains containing information about motor vehicles and their keepers.

(2) The Department shall ensure that databases maintained under subparagraph (1) may be accessed, so far as may be necessary for the performance of the relevant person's official duties, by —

- (a) a constable;
- (b) an officer of a court;
- (c) an officer of the Department of Health and Social Care or, as the case may be, of Manx Care (a Statutory Board established under the *Manx Care Act 2021*) so far as relates to information of the kind mentioned in paragraph 6(4C); and³³¹
- (d) such other person, and for such purposes, as may be prescribed.

(3) For the sake of clarity the Department may associate information about a licenceholder with information about any motor vehicle of which the licenceholder is or has been the registered keeper, or which the licenceholder is insured to drive.³³²

PART II – DISQUALIFICATION AND ENDORSEMENT OF LICENCES

Disqualification on conviction of certain offences
[P1972/20/93; P1981/56/9/2-4]

11. (1) Where a person is convicted of an offence —
- (a) under a provision of this Act specified in column 1 of Part I of Schedule 6 in relation to which there appears in column 5 of that Part the word “obligatory” or the word “obligatory” qualified by conditions or circumstances relating to the offence; and
 - (b) where the said word “obligatory” is so qualified, the conditions or circumstances are satisfied or obtain in the case of the offence of which he is convicted;

or where a person is convicted of the offence specified in Part II of that Schedule (any such offence being in this Schedule referred to as an “offence involving obligatory

disqualification”) the court shall order him to be disqualified in accordance with sub-paragraph (1A).³³³

(1A) The period of disqualification is —

- (a) in the case of —
 - (i) an offence under section 1 (causing death by dangerous driving), section 1A (causing serious bodily harm by dangerous driving) or section 3B (causing death by driving when unlicensed, disqualified or uninsured), not less than 2 years as the court thinks fit; or
 - (ii) an offence under section 6(6) (failing to provide a specimen) or section 7DA (failing to allow laboratory test of specimen of blood), where such an offence involves obligatory disqualification, not less than 5 years as the court thinks fit; or
- (b) in the case of any other offence involving obligatory disqualification and if none of subparagraphs (3), (3A) or (3C) applies, not less than 12 months as the court thinks fit,³³⁴

unless the court for special reasons thinks fit to order the person to be disqualified for a shorter period or not to be disqualified at all.³³⁵

(2) Where a person is convicted of an offence —

- (a) under a provision of this Act specified in column 1 of Part I of Schedule 6 in relation to which there appears in column 5 of that Part the word “discretionary” or the word “discretionary” qualified by conditions or circumstances relating to the offence; and
- (b) where the said word “discretionary” is so qualified, the conditions or circumstances are satisfied or obtain in the case of the offence of which he is convicted;

or where a person is convicted of an offence specified in Part III of that Schedule (any such offence being in this Schedule referred to as an “offence involving discretionary disqualification”), the court may order him to be disqualified for such period as the court thinks fit.

(3) Where a person convicted of an offence under section 3A, 5(1), 5A(1)(a) or 5AA(1)(a) and (2) has, within the 10 years immediately preceding the commission of the offence, been convicted of any such offence, sub-paragraph (1A)(b) shall apply in relation to the person with the substitution of 5 years for 12 months.³³⁶

(3A) Without limiting sub-paragraph (3), if —

- (a) a person is convicted of an offence under section 3A, 5(1) or 5A(1)(a);

- (b) it is shown that the proportion of alcohol in the person's breath, blood or urine was that specified in column 2 of the following table; and
- (c) the corresponding period specified in column 3 of that table consists of a longer period of disqualification than would otherwise apply under sub-paragraph (1A),

sub-paragraph (1A) applies in relation to the person with the substitution of that longer period of disqualification for the period set out in that sub-paragraph —

Proportion in 100 ml of breath	Over 50 µg but not over 75 µg	2 years
	Over 75 µg but not over 100 µg	3 years
	Over 100µg	5 years
Proportion in 100 ml of blood	Over 115mg but not over 173 mg	2 years
	Over 173 mg but not over 230 mg	3 years
	Over 230 mg	5 years
Proportion 100 ml of urine	Over 153 mg but not over 230 mg	2 years
	Over 230 mg but not over 306 mg	3 years
	Over 306 mg	5 years ³³⁷

(3B) The Department may, with the approval of Tynwald, make regulations amending the table in subparagraph (3A).³³⁸

(3C) If a person is convicted of an offence under section 5AA(1)(a) and (2), subparagraph (1A)(b) is to apply to the person with the substitution of 2 years for 12 months.³³⁹

(4) The provisions of this paragraph shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.

(5) Where a person is convicted of an offence involving obligatory or discretionary disqualification the court may, whether or not he has previously passed the test of competence to drive prescribed under this Schedule, and whether or not the court makes an order under the provisions of this paragraph or paragraph 12, order him to be disqualified until he has, since the date of the order, passed the extended test, and shall so order in the circumstances specified in sub-paragraph (5A); and a disqualification by virtue of an order under this sub-paragraph shall be deemed to have

expired on production to the Department of evidence, in such form as may be prescribed by regulations under paragraph 22, that the person disqualified has, since the order was made, passed the extended test.³⁴⁰

(5A) The circumstances in which the court shall make an order under sub-paragraph (5) in respect of a person are where it makes an order under sub-paragraph (1) or (2) or paragraph 12 and —

- (a) that order is made under sub-paragraph (1);
- (b) he has been convicted of the same or a similar offence since, or during the 3 years immediately preceding, the commission of the offence, unless the court for special reasons thinks it inappropriate to make the order;
- (c) the offence was committed during a period of restriction (within the meaning of paragraph 6B, and 9 or more penalty points are or have been ordered to be endorsed under paragraph 12(1) in respect of that and any other offences committed during that period; or
- (d) the court considers that the facts of the case raise a reasonable doubt as to his competence to drive.^{341 342}

(5B) Different offences shall be treated as similar for the purpose of sub-paragraph (5A)(b) if, and only if, they are offences involving discretionary disqualification and regulations provide that they shall be so treated.³⁴³

(6) Where a person is convicted of an offence under section 3A, 5, 5A or 6(6), and it appears to the court that he is in need of instruction or education on the effects of alcohol in relation to the driving of motor vehicles, the court may make an order under sub-paragraph (8).³⁴⁴

(7) Where a person is convicted of an offence under section 3A, 5(1) or 5A(1)(a) in circumstances in which the court is required by sub-paragraph (1A) as modified by sub-paragraph (3A) to order him to be disqualified for a period of not less than 3 years, the court shall make an order under sub-paragraph (8).³⁴⁵

(8) An order under this sub-paragraph is an order that the offender be disqualified until he has, since the date of the order, completed such a course of instruction or education on the effects of alcohol in relation to the driving of motor vehicles as may be designated in accordance with regulations under paragraph 22; and

- (a) an order may be made under this sub-paragraph whether or not the court makes any other order under the provisions of this paragraph or paragraph 12; and
- (b) a disqualification by virtue of an order under this sub-paragraph shall be deemed to have expired on production to the Department of a certificate, by such person and in such form as may be prescribed by the regulations, that the offender has completed such a course.³⁴⁶

Disqualification for repeated offences

[P1981/56/19]

12. (1) Where a person is convicted of an offence involving obligatory or discretionary disqualification and the court does not order him to be disqualified (whether on that or any other conviction) but orders particulars of the conviction to be endorsed under paragraph 20, the endorsement ordered shall include —

- (a) particulars of the offence, including the date when it was committed; and
- (b) in the case of an offence involving obligatory disqualification, 4 penalty points, or, otherwise, the number of penalty points shown in respect of the offence in column 7 of Schedule 6 or, where a range of numbers is shown, a number falling within the range;

but if a person is convicted of two or more such offences the number of penalty points to be endorsed in respect of those of them that were committed on the same occasion shall be the number or highest number that would be endorsed on a conviction of one of those offences, unless the court determines otherwise³⁴⁷.

(2) Where a person is convicted of an offence involving obligatory or discretionary disqualification and the penalty points to be taken into account under sub-paragraph (3) number 12 or more, the court shall order him to be disqualified for not less than the minimum period defined in sub-paragraph (4) unless the court is satisfied, having regard to all the circumstances not excluded by sub-paragraph (6), that there are grounds for mitigating the normal consequences of the conviction and thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

(2A) Sub-paragraph (2B) applies to a person who —

- (a) is convicted of an offence involving obligatory or discretionary disqualification; and
- (b) when the offence was committed, was driving a vehicle while authorised to do so by —
 - (i) a provisional licence; or
 - (ii) a full licence being used as if it were a provisional licence, where the licence has been held by the person for less than 24 months but, if a shorter period is prescribed, for less than that shorter period.³⁴⁸

(2B) If, in the case of a person to whom this sub-paragraph applies, the penalty points to be taken into account under sub-paragraph (3) number 6 or more the court must order that he be disqualified for holding, as the case may be —

- (a) a provisional licence; or
- (b) despite paragraphs 6(5) and (6), a full licence conferring a provisional entitlement to drive vehicles of the same class,

for not less than the minimum period defined in sub-paragraph (4) unless the court is satisfied, having regard to all the circumstances (subject to sub-paragraphs (5) and (6))

that there are grounds for mitigating the normal consequences of the conviction and thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.³⁴⁹

(2C) A court must order the revocation of the licence of a person convicted of an offence which carries the penalty of disqualification for driving. This is subject to the conditions' in paragraphs (a) to (c) being satisfied and to the court's complying with the other provisions of this subsection. The conditions are that —

- (a) the person convicted must, by virtue of paragraph 6B(1)(a) (a newly qualified driver), at the time of the actus reus have been subject to the prescribed restrictions (within the meaning of paragraph 6B(3)) while driving a vehicle of any class on a road;
- (b) the offence of which the person is convicted must have involved, or been constituted by, the person's driving on a road a vehicle of a class to which the prescribed restrictions relate; and
- (c) the penalty points which (under sub-paragraph (3)) are to be taken into account with respect to the offence so constituted must number not less than 6.

However, the court must not order a complete revocation unless the prescribed restrictions relate to every class of vehicle which the licence authorises the person to drive. If the prescribed restrictions extend only to some of the vehicles which the licence authorises the person to drive, the revocation may only be in respect of those vehicles to which the prescribed restrictions extend. If the conviction attracts discretionary disqualification, the court may, only after having had regard to all of the circumstances, either decline to revoke the licence or minimise the extent of the revocation (by as much as the court considers appropriate).³⁵⁰

(2D) Where a person's licence has been wholly or partially revoked under sub-paragraph (2C) with respect to vehicles of any class, the person must, if he wishes to drive vehicles of that class, obtain a provisional licence to do so and pass the theory test prescribed by regulations made under paragraph 2(2D) and the extended test.³⁵¹

(2E) Where a person who is subject to the prescribed restrictions (within the meaning of paragraph 6B(3)) by virtue of paragraph 6B(1)(b) (return of licence after being required to take a test) is convicted of an offence involving obligatory or discretionary disqualification and the penalty points to be taken into account under sub-paragraph (3) number 6 or more, the court shall order him to be disqualified until he has, since the date of the order, passed the theory test prescribed by regulations made under paragraph 2(2D) and the extended test unless the court is satisfied, having regard to all the circumstances (subject to sub-paragraphs (5) and (6)) that there are grounds for mitigating the normal consequences of the conviction and thinks fit not to order him to be disqualified.³⁵²

(2F) A disqualification by virtue of an order under sub-paragraph (2E) shall be taken to have expired on production to the Department of evidence, in such form as may be prescribed by regulations under paragraph 22, that the person disqualified has, since the order was made, passed the theory test and the extended test.³⁵³

(3) The penalty points to be taken into account on the occasion of a person's conviction are —

- (a) any that on that occasion will be ordered to be endorsed on any licence held by him or would be so ordered if he were not then ordered to be disqualified, and
- (b) any that were on a previous occasion ordered to be so endorsed, unless the offender has since that occasion and before the conviction been disqualified, whether under sub-paragraph (2) or under paragraph 11;

but if any of the offences was committed more than 3 years before another the penalty points in respect of that offence shall not be added to those in respect of the other.

(4) The minimum period referred to in sub-paragraph (2) is —

- (a) 6 months if no previous disqualification imposed on the offender is to be taken into account; and
- (b) one year if one, and 2 years if more than one, such disqualification is to be taken into account;

and a previous disqualification imposed on an offender is to be taken into account if it was imposed within the 3 years immediately preceding the commission of the latest offence in respect of which penalty points are taken into account under sub-paragraph (3).

(5) Where an offender is convicted on the same occasion of more than one offence involving obligatory or discretionary disqualification, —

- (a) not more than one disqualification shall be imposed on him under sub-paragraph (2), (2B) or (2E);
- (b) in determining the period of the disqualification the court shall take into account all the offences; and
- (c) for the purposes of any appeal, any disqualification imposed under sub-paragraph (2), (2B) or (2E) shall be treated as an order made on the conviction of each of the offences.³⁵⁴

(6) No account is to be taken under sub-paragraph (2), (2B) or (2E) of, —

- (a) any circumstances that are alleged to make the offence or any of the offences not a serious one;
- (b) hardship, other than exceptional hardship; or
- (c) any circumstances which, within the 3 years immediately preceding the conviction, have been taken into account under sub-paragraph (2), (2B) or (2E) in ordering the offender to be disqualified for a shorter period or not ordering him to be disqualified.³⁵⁵

(7) For the purposes of this paragraph —

- (a) an order for endorsement which was made under section 5 of the *Road Traffic Act 1967* before the commencement of this paragraph counts as an order made in pursuance of sub-paragraph (1) for the endorsement of 3 penalty points, unless a disqualification was imposed on the offender on that or any subsequent occasion;
- (b) where 2 or more orders for endorsement were made on any one occasion under the said section 5, they shall be treated as one such order; and
- (c) circumstances which have been taken into account under section 4(4) of that Act in ordering an offender to be disqualified shall be treated as having been so taken into account under sub-paragraph (2).

(8) References in this paragraph to disqualification do not include a disqualification imposed under section 17 of the *Criminal Law Act 1981* (disqualification where vehicle used for commission of offence).

Appeal against disqualification, and rule for determining end of period thereof
[P1972/20/94]

13. (1) A person disqualified by an order of a court for holding or obtaining a licence may appeal against the order in the same manner as against a conviction, and the court by or before which he was convicted may, if it thinks fit, pending the appeal suspend the disqualification.

(2) In determining the expiration of the period for which a person is disqualified by an order of a court made in consequence of a conviction for holding or obtaining a licence, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

Removal of disqualification
[1974/10/35; P1972/20/95]

14. (1) Subject to the provisions of this paragraph, a person who by an order of a court is disqualified may apply to the court by which the order was made to remove the disqualification, and on any such application the court, if it is satisfied that it should do so, may having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, by order remove the disqualification as from such date as may be specified in the order.³⁵⁶

(2) No application shall be made under sub-paragraph (1) for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the order by which the disqualification was imposed, that is to say —

- (a) 2 years, if the disqualification is for less than 4 years;
- (b) one half of the period of the disqualification, if it is for less than 10 years but not less than 4 years,
- (c) 5 years in any other case;

and in determining the expiration of the period after which a person may apply for the removal of a disqualification any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

(3) Where an application under sub-paragraph (1) is refused, a further application thereunder shall not be entertained if made within 3 months after the date of the refusal.

(4) If under this paragraph a court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

(5) The foregoing provisions of this paragraph shall not apply where the disqualification was imposed by order under paragraph 11(5), section 4(8) of the *Road Traffic Act 1967* or section 55 (3) of the *Road Traffic Act 1963*.

Disqualification of persons under age

15. A person who under section 4 is prohibited from driving a motor vehicle or a motor vehicle of any class —

- (a) by reason of his age, or
- (b) by reason that he does not comply with a condition prescribed under section 4(1)(b) in relation to a driver of his age and in relation to that class of vehicle,

is disqualified for holding or obtaining a licence other than a licence authorising him to drive such motor vehicles, if any, as he is not by section 4 forbidden to drive.³⁵⁷

Disqualification to prevent duplication of licences

[P1972/20/97]

16. A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class so long as he is the holder of another licence authorising him to drive a motor vehicle of that class, whether the licence is suspended or not.

Effect of disqualification

[P1972/20/98; P1974/50/13(1) and Sch 3]

17. (1) Where the holder of a licence is disqualified by an order of a court, the licence shall be treated as being revoked with effect from the beginning of the period of disqualification; and for this purpose, if the holder of the licence appeals against the order and the disqualification is suspended under paragraph 12 the period of disqualification shall be treated as beginning on the day on which the disqualification ceases to be suspended.

(2) A licence obtained by any person who is disqualified shall be of no effect.

(3) Notwithstanding anything in this Schedule, a person disqualified by order of a court under paragraph 11(5), section 4(8) of the *Road Traffic Act 1967* or section 55(3) of the *Road Traffic Act 1963* shall (unless he is disqualified otherwise than by virtue of

such an order) be entitled to obtain and to hold a provisional licence and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted.

Offence of obtaining licence, or driving, while disqualified
[P1972/20/99]

18. If a person disqualified for holding or obtaining a licence —
- (a) obtains a licence while he is so disqualified, or
 - (b) while he is so disqualified drives on a road a motor vehicle, or if the disqualification is limited to the driving of a motor vehicle of a particular class, a motor vehicle of that class,

he shall be guilty of an offence.

Arrest without warrant of persons driving while disqualified
[1974/10/34; P1972/20/100]

19. A constable in uniform may arrest without warrant any person driving or attempting to drive a motor vehicle on a road whom he has reasonable cause to suspect of being disqualified

Endorsement of licences
[P1972/20/101; P1981/56/9/6-12]

20. (1) Subject to sub-paragraph (2), where a person is convicted of an offence —
- (a) under a provision specified in column 1 of Part I of Schedule 6 in relation to which there appears in column 6 of that Part the word “obligatory” or the word “obligatory” qualified by conditions relating to the offence; and
 - (b) where the said word “obligatory” is so qualified, the conditions are satisfied in the case of the offence of which he is convicted;

or where a person is convicted of an offence specified in Part II or Part III of that Schedule (any such offence being in this paragraph referred to as an “offence involving obligatory endorsement”), the court shall order that there shall be endorsed on any licence held by him particulars of the disqualification, and, if the court does not order him to be disqualified, the particulars and penalty points required by paragraph 12(1); and the endorsement may be produced as prima facie evidence of the matters endorsed.

(2) If the court does not order the said person to be disqualified, the court need not make an order under sub-paragraph (1) if for special reasons it thinks fit not to do so.

(3) An order that any particulars or penalty points are to be endorsed on any licence held by the convicted person shall, whether he is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain shall be so endorsed until he becomes entitled under subparagraph (7) to have a licence issued to him free from the particulars.

(4) A person who is prosecuted for an offence involving obligatory or discretionary endorsement and who is the holder of a licence shall either —

- (a) cause it to be delivered to the clerk of the court not later than the day before the date appointed for the hearing, or
- (b) post it, at such a time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the clerk and either registered or sent by the recorded delivery service, or
- (c) have it with him at the hearing,

and if he is convicted of the offence and the court orders that his licence be endorsed, the court shall require the licence to be produced to it for endorsement; and if the offender has not posted the licence or caused it to be delivered as aforesaid and does not produce it as required, he shall be guilty of an offence, and the licence shall be suspended from the time when its production was required until it is produced to the court and shall, while suspended, be of no effect.³⁵⁸

(5) On the issue of a new licence to a person, any particulars or penalty points ordered to be endorsed on any licence held by him shall be entered on the licence unless he has become entitled under sub-paragraph (7) to have a licence issued to him free from those particulars or penalty points.

(6) If a person whose licence has been ordered to be endorsed with any particulars or penalty points and who has not previously become entitled under sub-paragraph (7) to have a licence issued to him free from those particulars or penalty points applies for or obtains a licence without giving particulars of the order, he shall be guilty of an offence and any licence so obtained shall be of no effect.

(7) A person whose licence has been ordered to be endorsed (whether under this paragraph or a previous enactment) shall be entitled to have a new licence issued to him free from the endorsement if, after the end of the period for which the endorsement remains effective, he applies for a new licence in pursuance of paragraph 6(1), surrenders any subsisting licence, pays the prescribed fee and satisfies the other requirements of that paragraph.

(8) Except as provided by sub-paragraph (9), an endorsement ordered on a person's conviction remains effective until —

- (a) 4 years have elapsed since the conviction if the court makes an order for the disqualification of the offender; or
- (b) 4 years have elapsed since the commission of the offence if the court does not make such an order.³⁵⁹

(9) Despite sub-paragraph (8), an endorsement ordered on a person's conviction remains effective until 10 years have elapsed since the conviction if the offence was one mentioned in section 3A, 5(1), 5A(1)(a), 5AA(1)(a) and (2), 6(6) or 7DA.³⁶⁰

Supplementary provisions as to disqualifications and endorsements
[P1972/20/105]

21. (1) In any case where a court exercises its power under paragraph 11, 12 or 20 not to order any disqualification or endorsement or to order disqualification for a shorter period than would otherwise be required, it shall state the grounds for doing so in open court and, if it is a court of summary jurisdiction, shall cause them to be entered in the Order Book required to be kept under section 78 of the *Summary Jurisdiction Act 1989*.³⁶¹

(2) Where a court orders that particulars be endorsed on a licence held by a person the court must send to the Department —

- (a) notice of the order; and
- (b) the licence if produced under paragraph 20(4).³⁶²

(2A) Where a person has been disqualified the Department must keep the licence until —

- (a) the disqualification has expired or been removed; and
- (b) the person entitled to the licence has made a demand in writing for its return to him.³⁶³

(2B) A licence ordered to be endorsed must not be returned to the person entitled to it until any prescribed fee has been paid.³⁶⁴

(3) Where on an appeal against any such order the appeal is allowed, the court by which the appeal is allowed shall send notice thereof to the Department.³⁶⁵

(4) Where a person is disqualified by order of a court under paragraph 11(5), section 4(8) of the *Road Traffic Act 1967* or section 55(3) of the *Road Traffic Act 1963*, then, on the return to him of any licence held by him, or on the issue to him of 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.

Reciprocal enforcement of driving disqualifications

21A. (1) This paragraph applies where it appears to the Department that provision is or will be made by the law of any country or territory outside the Island that, where a person is disqualified by an order of a court under this Schedule, he is thereby prohibited from driving a motor vehicle, or from holding or obtaining a permit to drive a motor vehicle, in that country or territory, whether the prohibition applies —

- (a) in all cases where he is disqualified, or
- (b) in cases where he is disqualified only by virtue of being convicted of certain offences, or in other limited circumstances.

(2) The Department may by order provide that, where an order or direction of a court or public authority in the country or territory in question prohibits a person from driving a motor vehicle, or from holding or obtaining a permit to drive a motor vehicle, in that country or territory, he is thereby disqualified for such period as may be determined in accordance with the order under this sub-paragraph.

- (3) An order under sub-paragraph (2) may include provision —
- (a) that a person is not disqualified by virtue of the order except where he has been convicted in the country or territory of an offence, or an offence of a description, specified in the order, or in other limited circumstances so specified;
 - (b) that any provision of this Act specified in the order shall apply in relation to a disqualification by virtue of the order as it applies in relation to a disqualification by virtue of an order of a court in the Island, subject to such modifications as may be so specified;
 - (c) for evidence of an order or direction of a court or public authority in the country or territory in question to be given by a certificate or in such other manner as may be specified in the order;
 - (d) for requiring the Department to notify an authority in the country or territory in question of an order or decision, notice of which is sent to the Department under paragraph 21(2) or (3);
 - (e) for the surrender and disposal of any licence or permit to drive;

and the order may include such incidental, supplemental, consequential and transitional provision as appears to the Department to be necessary or expedient for the purposes of the order.³⁶⁶

Regulations for purpose of Schedule 3³⁶⁷

[P1972/20/107]

22. (1) The Department may make regulations amending any provision of this Schedule or for the purpose of carrying this Schedule into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to —

- (a) licences,
- (b) the making of any particulars available for use by the police with respect to any persons who are disqualified or whose licences are suspended or endorsed,
- (c) the preventing of a person holding more than one licence,
- (d) the facilitating of identification of holders of licences, and
- (e) the providing for the issue of a new licence in the place of a licence lost or defaced on payment of the prescribed fee,
- (f) the effect of a change in the classification of motor vehicles for the purposes of this Schedule on licences then in force or issued or on the right to or the granting of licences thereafter.³⁶⁸

(2) In sub-paragraph (1) “amending” includes modifying, repealing and adding to.³⁶⁹

(2) [Repealed]³⁷⁰

Interpretation

23. In this Schedule —

“**disability**” includes —

- (a) a disease; and
- (b) the persistent misuse of drugs or alcohol, whether or not the misuse amounts to dependency;

“**disqualified**” means disqualified for holding or obtaining a licence, and “**disqualification**” is to be construed accordingly;

“**extended test**” means the test of competence to drive modified so that the time during which the person taking the test drives on roads is not less than 60 minutes;

“**licence**” means a licence to drive a motor vehicle granted under Part I;

“**offence involving obligatory disqualification**” has the meaning given to that expression by paragraph 11(1);

“**offence involving discretionary disqualification**” has the meaning given to that expression by paragraph 11(2);

“**prospective relevant disability**” has the meaning given to that expression by paragraph 4(1)(b);

“**regulations**” means regulations made under paragraph 22;

“**relevant disability**” has the meaning given to that expression by paragraph 4(1)(a);

“**test of competence to drive**” means such a test conducted under paragraph 2.³⁷¹

SCHEDULE 4**DRIVING INSTRUCTION**

Section 35

Register of approved driving instructors

[1974/10/1]

1. The Department may make arrangements for compiling and maintaining a register of persons approved by it as qualified to give instruction in the driving of motor vehicles (in this Schedule referred to as “**the register**”).³⁷²

Power to prescribe form of certificate of registration, etc

[1974/10/2; P1972/20/135]

2. (1) The Department may by regulations prescribe all or any of the following, that is to say, a form of certificate for issue to persons whose names are in the register as

evidence of their names being therein, a form of badge for use by such persons and an official title for such use.³⁷³

(2) If a person —

- (a) whose name is not in the register takes or uses a title prescribed under this paragraph, or wears or displays a badge or certificate so prescribed, or takes or uses any name, title, addition or description implying that his name is in the register; or
- (b) being a person carrying on business in the provision of instruction in the driving of motor vehicles, uses a title or description so prescribed in relation to any person employed by him whose name is not in the register, or issues any advertisement or invitation calculated to mislead with respect to the extent to which persons whose names are in the register are employed by him,

then, unless he proves that he did not know, and had no reasonable cause to believe, that his name, or as the case may be, that of the person employed by him, was not in the register at the material time, he shall be guilty of an offence.

Driving instruction for payment to be given only by registered or licensed persons
[1974/10/3; P1972/20/126]

3. (1) No paid instruction shall be given in the driving of a motor car or any other motor vehicle of a class prescribed by regulations unless the name of the person giving the instruction is in the register or he is the holder of a current licence granted under this Schedule authorising him to give such instruction.³⁷⁴

(2) However, if instruction in the driving of a motor vehicle mentioned in sub-paragraph (1) is given —

- (a) to a person who is not the holder of a full licence; and³⁷⁵
- (b) by, or in pursuance of arrangements made by, a person carrying on business in the supply of motor vehicles, and in connection with the supply of a motor vehicle in the course of that business,

such instruction is treated as paid instruction, irrespective of whether or not it is actually given free of charge.³⁷⁶

(3) If instruction is given in contravention of sub-paragraph (1), the person by whom it is given, and, if that person is employed by another to give that instruction, that other, as well as that person, shall be guilty of an offence.

(4) In proceedings against a person for an offence under sub-paragraph (3), it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that his name or, as the case may be, that of the person employed by him was not in the register at the material time.

(5) [Repealed]³⁷⁷

(6) Subject to sub-paragraphs (2) and (7), in sub-paragraph (1), instruction is paid instruction if instruction is given in return for any valuable consideration in money or money's worth provided or to be provided, by or in respect of the person to whom the instruction is given.³⁷⁸

(7) Instruction which is given in pursuance of arrangements under which the consideration is provided (either wholly or partly and whether directly or indirectly) for or in respect of —

- (a) the supply of a vehicle for the instruction;
- (b) any expense incurred in supplying or running the vehicle used for the instruction;
- (c) any expense incurred by the instructor in respect of the instruction,

shall be deemed to be paid instruction.³⁷⁹

(8) Instruction that is given as part of a commercial promotion shall be deemed to be paid instruction.³⁸⁰

*Exemption from prohibition imposed by paragraph 3*³⁸¹
[1974/10/4; P1972/20/127]

4. (1) Paragraph 3(1) does not apply to the giving of instruction by —
- (a) a police instructor in pursuance of arrangements made by the Chief Constable;
 - (b) a member of the fire brigade (within the meaning of the *Fire Services Act 1984*) in pursuance of arrangements made by the Chief Fire Officer (within the meaning of that Act), where the duties of that member consist of or include, or have consisted of or included, the giving of instruction in the driving of motor vehicles to other such members.³⁸²
- (2) In this paragraph “police instructor” means a person who is —
- (a) a constable whose duties consist of or include, or have consisted of or included the giving of instruction in the driving of motor vehicles to constables; or³⁸³
 - (b) a civilian in the service of the Department of Home Affairs and employed for the purpose of giving such instruction to constables.³⁸⁴

*Stop notices*³⁸⁵

4A. (1) The Registrar may serve a notice in respect of a person, to be known as a “stop notice”, if —

- (a) it appears to the Registrar that the person is giving or has given instruction in the driving of a motor vehicle in contravention of paragraph 3(1); and

- (b) the Registrar considers it expedient to do so.
- (2) Before serving a stop notice, the Registrar must —
 - (a) notify the person in writing of the particulars of the grounds on which the Registrar is considering serving the stop notice and that the person has 28 days in which to make representations to the Registrar; and
 - (b) take into consideration any such representations made,

and if the Registrar decides not to serve a stop notice he or she must give further notice to the person.

(3) If the Registrar decides to serve a stop notice he or she must specify the period, which must not exceed 2 years, for which it is to apply and must serve it on the person.

(4) A stop notice is served by sending it by recorded delivery to the usual or last known address of the person in respect of whom it is to apply.

- (5) A stop notice takes effect —
 - (a) where no appeal under the following provisions is brought against the decision within the time limited for the appeal, on the expiration of that time;
 - (b) where such an appeal is brought and is withdrawn, struck out or dismissed, when it is so withdrawn, struck out or dismissed.

(6) Where a stop notice has taken effect in accordance with this paragraph, a person on whom the notice was served commits an offence if the person gives instruction in the driving of a motor vehicle, whether or not that instruction is restricted by paragraph 3(1), other than to a close relative.

(7) In proceedings for an offence under subparagraph (6) it is a defence for the accused to satisfy the court that —

- (a) the stop notice was not served on the person; and
- (b) the person did not know, and could not reasonably have been expected to know, of its existence.

(8) A stop notice ceases to have effect if the Registrar withdraws the stop notice and serves notice of the withdrawal on the person on whom the stop notice was served but this sub-paragraph does not affect any liability for an offence committed before the stop notice ceased to have effect.

- (9) In this paragraph “close relative” means the person’s —
 - (a) spouse or civil partner, or a child of such person;
 - (b) child or parent, or spouse or civil partner of such person;
 - (c) grandchild or grandparent;
 - (d) brother or sister, or child, spouse or civil partner of such person;
 - (e) uncle or aunt, or child of such person.³⁸⁶

The register and registration and duration thereof
[1974/10/5; P1972/20/128]

5. (1) An application for the entry of a person's name in the register shall be made, in a manner determined by the Department, accompanied by particulars so determined, to the officer of the Department by whom, on behalf of the Department the register is compiled and maintained (in this Schedule referred to as "**the Registrar**"); and the Registrar shall, on payment of such fee, if any, as may be prescribed, enter in the register the name of a person who duly applies for the entry of his name therein if that person satisfies the Registrar that the following conditions are fulfilled in his case —

- (a) that he has passed such examination of ability to give instruction in the driving of motor vehicles as may be prescribed³⁸⁷;
- (b) that he is the holder of a current licence to drive a motor vehicle granted under Schedule 3 (not being a provisional licence within the meaning of that Schedule) and, at no time during the period of 4 years ending with the day on which the application is made, did he not hold one or other of the following licences, namely a current licence and a current foreign licence, that is to say a document issued under the law of a country outside the Island authorising the holder to drive a motor vehicle in that country;
- (c) that he has not, during any part of the said period, been disqualified under paragraph 11 or 12 of Schedule 3 for holding or obtaining a licence to drive a motor vehicle granted under that Schedule; and
- (d) that, apart from fulfilment of the foregoing conditions, he is a fit and proper person to have his name entered in the register.

(2) The entry of a person's name in the register shall be subject to the condition that, so long as the name is therein, that person will, if at any time required by the Registrar, undergo the test prescribed by regulations of continued ability and fitness to give instruction in the driving of motor vehicles.³⁸⁸

(3) Regulations may provide that persons of such class as may be specified therein shall be exempt from the condition specified in sub-paragraph (1)(a) as regards such part of the examination mentioned in that paragraph as may be so specified.

(4) A person registered to give instruction in the driving of motor cars under Part V of the Road Traffic Act 1988 (of Parliament) is exempt from the condition specified in sub-paragraph (1)(a) in relation to those vehicles.³⁸⁹

(5) The Registrar shall, on making a decision on an application under sub-paragraph (1), give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, shall state the grounds for the refusal.

(6) Unless previously removed under the following provisions of this Schedule, the name of a person shall be removed from the register at the end of the period of 4 years beginning with the first day of the month next after that in which the entry of the name was made, but if an application for the retention of the name in the

register is made under paragraph 6 before the end of that period, the name shall not be removed except in pursuance of a decision of the Registrar having effect under that paragraph.

(7) A person whose name has been removed from the register under sub-paragraph (6) who applies under sub-paragraph (1) for his name to be entered again in the register, shall be required again to pass the examination mentioned in sub-paragraph (1)(a), unless the application is made before the end of the period of one year beginning with the end of the said period of 4 years.

Extension of duration of registration
[1974/10/6; P1972/20/129]

6. (1) If, before the end of the period of 4 years at the end of which the name of a person is, by paragraph 5, to be removed from the register, he makes application to the Registrar, in a manner determined by the Department, accompanied by particulars so determined, for the retention of his name in the register for a further period of 4 years, he shall be entitled, on payment of such fee, if any, as may be prescribed, to have his name retained therein for that further period, if he satisfies the Registrar that the following conditions are fulfilled in his case —

- (a) that he has not refused to undergo any such test as is mentioned in paragraph 5(2) which he has been required to undergo during the period first mentioned in this sub-paragraph;
- (b) that his ability and fitness to give instruction in the driving of motor vehicles continue, having regard to any such test or tests as aforesaid which he has undergone during the said period, to be of a satisfactory standard³⁹⁰;
- (c) that he is the holder of a current licence as specified in paragraph 5(l)(b) and at no time during the said period has he held no such current licence;
- (d) that he has not during any part of the said period been disqualified under paragraph 11 of Schedule 3 for holding or obtaining a licence to drive a motor vehicle granted under that Schedule; and
- (e) that, apart from fulfilment of the foregoing conditions, he continues to be a fit and proper person to have his name entered in the register.³⁹¹

(2) The retention of a person's name under this paragraph shall be subject to the condition mentioned in paragraph 5(2).

(3) Before refusing an application under sub-paragraph (1), the Registrar shall give to the applicant written notice stating that he is considering the refusal of the application and giving particulars of the grounds on which he is considering it; and the applicant may, within the period of 28 days beginning with the day on which the notice is given, make representations with respect to the proposed refusal; and the Registrar shall not decide to refuse the application until after the expiration of the said period, and

before deciding whether or not to do so, he shall take into consideration any such representations made by the applicant within the said period.

(4) The Registrar, on making a decision under sub-paragraph (3), shall give notice in writing of the decision to the person concerned, and a decision to refuse an application shall take effect —

- (a) where no appeal under the following provisions is brought against the decision within the time limited for the appeal, on the expiration of that time;
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
- (c) where such an appeal is brought and not withdrawn or struck out, if and when the appeal is dismissed, and not otherwise.

(5) Where a person's name is retained in the register under sub-paragraph (1), that sub-paragraph and paragraph 5(6) shall have effect in relation to him, with respect to each successive period of 4 years, as if any reference therein to the first day of the month next after that in which the entry of a person's name in the register was made were a reference to the day with which began the last further period for which his name was retained under sub-paragraph (1).

Removal of names from register

[1974/10/7; P1972/20/130]

7. (1) The Registrar may remove the name of a person from the register if the Registrar is satisfied, either in a case where the name has not been retained therein under paragraph 6 that, at any time since the entry of the name was made, or, in a case where the name has been retained as aforesaid, that, at any time since it was last retained, any of the following conditions was fulfilled in the case of that person —

- (a) that he did not hold a current licence of a kind specified in paragraph 5(1)(b);
- (b) that he was disqualified under paragraph 11 or 12 of Schedule 3 for holding or obtaining a licence to drive a motor vehicle under that Schedule;
- (c) that he refused to undergo a test such as is mentioned in paragraph 5(2);
- (d) that he failed to pass such a test;
- (e) that he ceased, apart from fulfilment of any of the foregoing conditions, to be a fit and proper person to have his name included on the register;

or if the entry of his name in the register, or the retention of his name therein, was made by mistake or procured by fraud.

(2) Before removing the name of a person from the register under this paragraph, the Registrar shall give to the person concerned written notice stating that he

is considering the removal and giving particulars of the grounds on which he is considering it; and that person may, within the period of 28 days beginning with the day on which the notice is given, make representations with respect to the proposed removal; and the Registrar shall not decide to remove the name from the register until after the expiration of the said period and, before deciding whether or not to do so, shall take into consideration any such representations made by the person concerned within the said period.

(3) The Registrar shall, on making a decision to remove a name from the register, give notice in writing of the decision to the person concerned, and paragraph 6(4) shall apply for the purpose of determining when (if at all) the decision takes effect as it does for the purpose of determining when (if at all) a decision to refuse an application under paragraph 6 takes effect.

Licences

[P1972/20/131; 1974/10/8]

8. (1) For the purpose of enabling a person to acquire practical experience of giving instruction in driving motor vehicles with a view to undergoing the examination referred to in paragraph 5(1)(a) the Registrar may grant a licence to give instruction.³⁹²

(2) Before granting a licence under this paragraph, the Registrar must be satisfied that —

- (a) the conditions set out in paragraph 5(1)(b), (c) and (d); and
- (b) such other conditions as to which the Registrar is required by or under this Schedule to be satisfied for the grant of a licence,

are fulfilled by the applicant for the licence.³⁹³

(2A) Applications for a licence shall be made in a manner determined by the Department and shall be accompanied by —

- (a) such particulars as are so determined; and
- (b) such fee as may be prescribed.³⁹⁴

(2B) A licence under sub-paragraph (1) enables the holder of the licence to give instruction in the driving of a motor vehicle, being instruction the giving of which is restricted by paragraph 3.³⁹⁵

(3) The Registrar shall, on making a decision on an application under sub-paragraph (1), give notice in writing of the decision to the applicant, which, in the case of a decision to refuse the application, shall state the grounds of the refusal.

(4) A licence under this paragraph shall be in such form, in force for such period, and granted subject to such conditions, as may be prescribed.

(5) Notwithstanding any provision of regulations made under sub-paragraph (4) prescribing the period for which a licence is to be in force, where a person applies for a new licence in substitution for a licence held by him and current at the date of application, the previous licence shall not expire until the commencement of the new licence, or, if the Registrar decides to refuse the application, until the time limited for an

appeal under the following provisions of this Schedule against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.

(6) Before deciding to refuse an application for a new licence in substitution for a licence current at the date of the application, the Registrar shall give to the applicant written notice stating that he is considering the refusal and giving particulars of the grounds on which he is considering it; and the applicant may, within the period of 14 days beginning with the day on which the notice is given, make representations with respect to the proposed refusal; and the Registrar shall not decide to refuse the application until after the expiration of the said period and, before deciding whether or not to do so, he shall take into consideration any such representations made within that period.

(7) If a person to whom a licence under this paragraph is granted fails to comply with any of the conditions subject to which it is granted, or if the Registrar is satisfied that, at any time since the licence was granted, any of the following conditions was fulfilled in the case of the said person —

- (a) that he did not hold a current licence of a kind specified in paragraph 5(1)(b); or
- (b) that he was disqualified under paragraph 11 or 12 of Schedule 3 for holding or obtaining a licence to drive a motor vehicle under that Schedule; or
- (c) that he ceased, apart from fulfilment of either of conditions (a) or (b), to be a fit and proper person to have his name in the register,

or if the licence was granted by mistake or procured by fraud, the Registrar may revoke the licence, but before doing so he shall give to that person written notice stating that he is considering the revocation and giving particulars of the grounds on which he is considering it; and that person may, within the period of 14 days, beginning with the day on which the notice is given, make representations with respect to the proposed revocation; and the Registrar shall not decide to revoke the licence until after the expiration of the said period and, before deciding whether or not to do so, he shall take into consideration any such representations made within that period.

(8) The Registrar shall, on making a decision to revoke a licence granted under this paragraph, give notice in writing of the decision to the person concerned, and paragraph 6(4) shall apply for the purpose of determining when (if at all) the decision takes effect as it does for the purpose of determining when (if at all) a decision to refuse an application under paragraph 6(1) takes effect.

Appeals

9. (1) A person who is aggrieved by a decision of the Registrar —
- (a) to serve a stop notice;
 - (b) to refuse an application for the entry of his or her name in the register;

- (c) to refuse an application for the retention of his or her name in the register;
- (d) to remove his or her name from the register;
- (e) to refuse an application for the grant of a licence; or
- (f) to revoke such a licence,

may by notice in writing appeal by giving notice to the Department to be received within 28 days of notice of the decision being given in accordance with this Schedule.

(2) The appeal shall be conducted by an independent adjudicator appointed by the Appointments Commission (within the meaning of section 1 of the *Tribunals Act 2006*) on such terms as to remuneration and expenses as the Treasury shall determine, being a person considered by that Commission to be suitably qualified for such appointment, and the adjudicator may be appointed to conduct one particular appeal or for any such appeal as may be made to the Department during a period determined by the Commission.

(3) The Department may —

- (a) make rules about the procedure on appeals, including in particular applying section 63(1) to (4) (general provisions as to inquiries) to the appeals; and
- (b) specify the form and contents of the notice of appeal.

(4) The Registrar is the respondent to the appeal and the appellant and the respondent may make representations on the appeal to the adjudicator.

(5) On the appeal the adjudicator may make such order for the upholding or quashing of the stop notice, for the entry, retention or removal of the name on the register or for the grant, continuation or revocation of the licence, as the case may be, as he or she thinks fit.

(6) An order under sub-paragraph (5) may direct that an application by the appellant for the grant of a licence under this Schedule or for his or her name to be entered in the register must not be entertained for a specified period of up to 4 years beginning with the day on which the order is made.

(7) The adjudicator may make such order as to costs as he or she thinks fit and where he or she has certified an amount of costs to be paid by the appellant that amount is recoverable from the appellant by the Department as a civil debt.³⁹⁶

Examinations and tests of ability to give driving instruction
[1974/10/10; P1972/20/133]

10. (1) The Department may make regulations about examinations of persons' suitability to give instruction in the driving of motor vehicles of such classes as may be prescribed and such regulations may in particular provide —

- (a) for the examination to consist of a theory test, and practical tests of driving ability and fitness and instructional ability and fitness;³⁹⁷

- (b) for requiring a person submitting himself to any such practical test as aforesaid to provide a vehicle for the purposes of the test, being a vehicle in respect of which such conditions as may be specified in regulations are complied with;
- (c) for requiring a person applying to submit himself for such an examination, to pay to the Registrar such fee as may be specified in the regulations in relation to that examination or part;
- (d) for preventing a person who fails to pass an examination or any part of it from submitting himself or herself to another such examination or part of it before the expiration of such period (not exceeding 12 months) as may be prescribed³⁹⁸;
- (e) for requiring a person who desires to submit himself for such an examination to supply the Registrar with such particulars as the Department may determine.³⁹⁹

(2) On the application of a person who has submitted himself or herself for an examination in accordance with regulations made under this paragraph the Department may determine whether the examination, or any part of it, was properly conducted in accordance with the regulations.⁴⁰⁰

(2A) If it appears to the Department that the examination, or any part of it, was not so conducted, the Department may —

- (a) declare the applicant eligible to submit himself or herself to another examination or, as the case may be, part of the examination as if he or she had not submitted himself or herself to the examination or part held not to be properly conducted; and
- (b) waive any fee that would otherwise be payable by the applicant in respect of the examination or part, or, if it has been paid, cause it to be refunded.⁴⁰¹

(3) No appeal shall lie under paragraph 9 in respect of which an application may be made under sub-paragraph (2).

Power to alter conditions for entry or retention in, and removal from, register and grant or revocation of licences

[1974/10/11; P1972/20/134]

11. Regulations made by the Department may —

- (a) alter or add to the conditions as to which the Registrar is required by this Schedule to be satisfied for the entry of a name in the register, the retention of a name therein, the removal of a name therefrom, the grant of a licence and the revocation of a licence, or omit any of those conditions;
- (b) alter the period at the expiration of which a person's name which is entered or retained in the register after the coming into force of

the regulations must, unless retained or further retained, be removed therefrom.

- (c) without prejudice to the generality of the words “fit and proper” wherever used in this Schedule, specify circumstances in which a person shall be treated as not being a fit and proper person to be entered in or remain in the register.⁴⁰²

Surrender of certificate and licences

[1974/10/12; P1972/20/136]

12. Where —

- (a) the name of a person to whom a certificate prescribed under paragraph 2 has been issued is removed from the register in pursuance of this Schedule; or
- (b) a licence granted under this Schedule to a person expires or is revoked;

that person shall, if so required by the Registrar by notice in writing, surrender the certificate or licence, as the case may be, to the Registrar within the period of 14 days beginning with that on which the notice is given, and if he fails to do so, he shall be guilty of an offence.

Production of certificate and licences to constables and authorised persons

[1974/10/13]

13. (1) A person to whom a certificate prescribed under paragraph 2 is issued, or to whom a licence under this Schedule is granted, shall, on being so required by a police constable or any person authorised in writing by the Department in that behalf, produce the certificate or licence for examination.⁴⁰³

(2) Where the name of a person is removed from the register or a licence granted under this Schedule to a person expires or is revoked, then, if that person fails to satisfy an obligation imposed on him by paragraph 12, a police constable or a person authorised in writing by the Department in that behalf may require him to produce any such certificate issued to him or the licence, and upon its being produced may seize it and deliver it to the Registrar.⁴⁰⁴

(3) If a person who is required under sub-paragraph (1) or (2) to produce a document fails to do so, then, unless within 5 days beginning with the day next after that on which the production of the document was so required, it is produced —

- (a) where the requirement was made by a police constable, at such police station as, at the time the production was required, may have been specified by the person required to produce the document;
- (b) where the requirement was made by a person other than a police constable, at such place as the person by whom the requirement was made may at the time have specified;

he shall be guilty of an offence.

Evidence by certificate as to registration and licences
[1974/10/15; P1972/20/138]

14. (1) A certificate signed by the Registrar and stating that, on any date —
- (a) a person's name was, or was not, in the register; or
 - (b) the entry of a person's name was made in the register or a person's name was removed therefrom; or
 - (c) a person was, or was not, the holder of a current licence under paragraph 8; or
 - (d) a licence under paragraph 8 granted to a person came into force or ceased to be in force;

shall be evidence of the facts stated in the certificate in pursuance of this paragraph.

(2) A certificate made under sub-paragraph (1) and purporting to be signed by the Registrar shall be deemed to be so signed unless the contrary is proved.

Offences by corporations
[1974/10/16; P1972/20/139]

15. Where a body corporate is guilty of an offence under this Schedule and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against and punished accordingly.

*Service of notices*⁴⁰⁵

16. For the purposes of Part 4, Division 5 of the *Interpretation Act 2015* (service of documents) in its application to a notice authorised or required to be given by this Schedule, the address for service of such a notice on a person whose name is included in the register shall be his address on the register.⁴⁰⁶

17. to 19. [Repealed]⁴⁰⁷

Interpretation

20. In this Schedule —

“**the register**” has the meaning assigned to it by paragraph 1;

“**the Registrar**” has the meaning assigned to it by paragraph 5.

SCHEDULE 5

THIRD-PARTY LIABILITIES

Section 36

PART I – COMPULSORY INSURANCE OR SECURITY AGAINST THIRD-PARTY RISKS

Users of motor vehicles to be insured or secured against third-party risks
[P1972/20/143]

1. (1) Subject to the provisions of this Schedule, it shall not be lawful for a person to use, or to cause or permit any other person to use, a motor vehicle on a road or other public place unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of this Schedule; and if a person acts in contravention of this paragraph he shall be guilty of an offence.⁴⁰⁸

(2) A person charged with using a motor vehicle in contravention of this paragraph shall not be convicted if he proves that the vehicle did not belong to him and was not in his possession under a contract of hiring or of loan, that he was using the vehicle in the course of his employment and that he neither knew nor had reason to believe that there was not in force in relation to the vehicle such a policy of insurance or security as is mentioned in sub-paragraph (1).

(3) This Schedule shall not apply to invalid carriages.

Exceptions from requirement of third-party insurance or security
[P1972/20/144]

2. (1) Paragraph 1 shall not apply to a vehicle owned by a person who has deposited and keeps deposited with the Treasury for and on behalf of Her Majesty the sum of £500,000, at a time when the vehicle is being driven under the owner's control.⁴⁰⁹

(1A) The Department may by order amend sub-paragraph (1) by substituting such amount as is specified in the order for the amount there specified (or the amount substituted for it by a previous order under this sub-paragraph).⁴¹⁰

(2) Paragraph 1 shall not apply —

- (a) to a vehicle owned by a local authority, at a time when the vehicle is being driven under the owner's control;
- (b) to a vehicle owned by the Department of Home Affairs at a time when the vehicle is being driven under the owner's control for police purposes, or to a vehicle at any time when it is being driven for police purposes by or under the direction of a constable, or by a person employed for police purposes;⁴¹¹

- (c) to a vehicle at a time when it is being driven on a journey to or from any place undertaken for salvage purposes pursuant to the *Wreck and Salvage (Ships and Aircraft) Act 1979*; or
- (d) to the use of a vehicle for the purpose of its being furnished in pursuance of a direction under section 166(2)(b) of the *Army Act 1955* or under section 166(2)(b) of the *Air Force Act 1955* (Acts of Parliament).

Requirements in respect of policies of insurance
[1972/8/1; P1972/20/145; P1974/20(3)]

3. (1) In order to comply with the requirements of this Schedule a policy of insurance must satisfy the following conditions.

- (2) The policy must be issued by an authorised insurer.
- (3) Subject to sub-paragraph (4), the policy —
 - (a) must insure such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of, or bodily injury to, any person or damage to property caused by, or arising out of, the use of the vehicle on a road or other public place in the Island;⁴¹²
 - (aa) must, in the case of a vehicle normally based in the territory of the United Kingdom, Gibraltar, the Channel Islands, a member State of the European Union, or any other country which the European Commission is satisfied that arrangements have been made under Article 8 of EC Directive 2009/103/EC, insure him or them in respect of any civil liability which may be incurred by him or them as a result of an event related to the use of the vehicle in the Island if, —
 - (i) according to the law of that territory, he or they would be required to be insured in respect of a civil liability which would arise under that law as a result of that event if the place where the vehicle was used when the event occurred were in that territory, and
 - (ii) the cover required by that law would be higher than that required by paragraph (a) above, and⁴¹³
 - (b) must, in the case of a vehicle normally based in the Island, insure him or them in respect of any liability which may be incurred by him or them in respect of the use of the vehicle and of any trailer, whether or not coupled, in the territory of the United Kingdom, Gibraltar, the Channel Islands, each of the member States of the European Union, or any other country which the European Commission is satisfied that arrangements have been made under Article 8 of EC Directive 2009/103/EC according to —

- (i) the law on compulsory insurance against civil liability in respect of the use of vehicles of that territory in which the event giving rise to the liability occurred; or⁴¹⁴
 - (ii) if it would give higher cover, the law which would be applicable under this Schedule if the place where the vehicle was used when that event occurred were in the Island.^{415 416}
- (4) The policy shall not, by virtue of sub-paragraph (3)(a), be required —
 - (a) to cover liability in respect of the death, arising out of and in the course of his employment, of a person in the employment of a person insured by the policy or of bodily injury or damage to property sustained by such a person arising out of and in the course of his employment; or
 - (b) to provide insurance for more than £250,000 in respect of all such liabilities as may be incurred in respect of damage to property caused by, or arising out of, any one accident involving the vehicle; or
 - (c) to cover liability in respect of damage to the vehicle; or
 - (d) to cover liability in respect of damage to goods carried for hire or reward in or on the vehicle or in or on any trailer (whether or not coupled) drawn by the vehicle, or
 - (e) to cover any liability of a person in respect of damage to property in his custody or under his control; or
 - (f) to cover any contractual liability.⁴¹⁷
- (4A) In the case of a person —
 - (a) carried in or upon a vehicle, or
 - (b) entering or getting on to or alighting from, a vehicle,

the provisions of sub-paragraph (4)(a) do not apply unless cover in respect of the liability referred to in that paragraph is in fact provided pursuant to a requirement of the *Employers' Liability (Compulsory Insurance) Act 1976*.⁴¹⁸

(5) [Repealed]⁴¹⁹

(6) Where an authorised insurer issues a cover note or notes for a limited period, such cover note or notes shall be deemed to be a policy of insurance or certificate of insurance for such period, and a licence may be issued in respect of the motor vehicle specified in such cover note or notes.

(7) Notwithstanding the provisions of sub-paragraph (6), unless the necessary policy of insurance or certificate of insurance is produced to the Department before the expiration of the period in respect of which such cover note or notes was issued, such licence shall on the expiration of such period be suspended until such policy of insurance or certificate of insurance is so produced, and during such suspension the licence shall be of no validity or effect.⁴²⁰

(8) An authorised insurer shall not cease to be treated as such for the purposes of this Schedule by reason of him ceasing to be a member of the Motor Insurers' Bureau —

- (a) in relation to any policy issued by the insurer before ceasing to be such a member; or
- (b) in relation to any obligation (whether arising before or after the insurer ceased to be such a member) which the insurer may be called upon to meet under or in consequence of any such policy by virtue of making a payment in pursuance of such an obligation.

Requirements in respect of securities

[P1972/20/146; SI1973/2143/3 and 4]

4. (1) In order to comply with the requirements of this Schedule, a security must satisfy the following conditions.

(2) The security must be given either by an authorised insurer or by some body of persons which carries on in the Island or the United Kingdom the business of giving securities of a like kind and which has deposited and keeps deposited with the Treasury for and on behalf of Her Majesty the sum of £100,000 in respect of that business.⁴²¹

(3) Subject to sub-paragraph (4), the security must consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein, any failure by the owner of the vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any liability which may be incurred by him or them, being a liability required under paragraph 3 to be covered by a policy of insurance.

(4) In the case of liabilities arising out of the use of a motor vehicle on a road or other public place in the Island the amount secured need not exceed —

- (a) in the case of an undertaking relating to the commercial use of passenger vehicles (within the meaning of the *Road Transport Act 2001*), £150,000;⁴²²
- (b) in any other case, £30,000.⁴²³

(5) The Department may from time to time by regulations substitute such other sums for the sums specified in paragraph 2(1) and sub-paragraphs (2) and (4) as may be specified in the regulations.⁴²⁴

Issue and surrender of certificate of insurance or security

[P1972/20/147]

5. (1) A policy of insurance shall be of no effect for the purposes of this Schedule unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Schedule referred to as a “**certificate of insurance**”) in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed.⁴²⁵

(2) A security shall be of no effect for the purposes of this Schedule unless and until there is delivered by the person giving the security to the person to whom it is given a certificate (in this Schedule referred to as a “**certificate of security**”) and the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed.

(3) [Repealed]⁴²⁶

(4) [Repealed]⁴²⁷

(5) Where the Department has reason to believe that under sub-paragraph (3) a policy or security has been cancelled, it may in writing require the person formerly insured under the policy or security to produce to the Department within 7 days evidence that the policy or security is still in force or a further policy or security, or to provide adequate reason why such a policy or security is no longer required and if the person fails so to produce such evidence, or a further policy or security, or to provide such reason, he shall be guilty of an offence.⁴²⁸

*Avoidance of certain exceptions to policies or securities and of certain agreements, etc,
as to risks required to be covered thereby*
[1972/8/1; P1972/20/148]

6. (1) Subject to sub-paragraph (2), where a certificate of insurance or certificate of security has been delivered under paragraph 5 to the person by whom a policy has been effected or to whom a security has been given, so much of the policy or security as purports to restrict, as the case may be, the insurance of the persons insured by the policy or the operation of the security 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 horsepower or cylinder capacity 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 *Licensing and Registration of Vehicles Act 1969*,

shall, as respects such liabilities as are required to be covered by a policy under paragraph 3, be of no effect.

(2) Nothing in sub-paragraph (1) shall require an insurer or the giver of a security 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 or the giver of a security in or towards the discharge of any liability of any person which is covered by

the policy or security by virtue only of sub-paragraph (1) shall be recoverable by the insurer or giver of the security from that person.

(3) Subject to sub-paragraph (4), a condition in a policy or security issued or given for the purposes of this Schedule providing that no liability shall arise under the policy or security, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security, shall be of no effect in connection with such liabilities as are required to be covered by a policy under paragraph 3.

(4) Nothing in sub-paragraph (3) shall be taken to render void any provision in a policy or security requiring the person insured or secured to pay to the insurer or the giver of the security any sums which the latter may have become liable to pay under the policy or security and which have been applied to the satisfaction of the claims of third parties.

(5) Where a person uses a motor vehicle in circumstances such that under paragraph 1 there is required to be in force in relation to his use of it such a policy of insurance or security as is mentioned in paragraph 1(1), then, if any other person is carried in or upon the vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held —

- (a) to negative or restrict any such liability of the user in respect of persons carried in or upon the vehicle as is required by paragraph 3 to be covered by a policy of insurance; or
- (b) to impose any conditions with respect to the enforcement of any such liability of the user;

and the fact that a person so carried has willingly accepted as his the risk of negligence on the part of the user shall not be treated as negating any such liability of the user.

(6) For the purposes of sub-paragraph (5) references to a person being carried in or upon a vehicle include references to a person entering or getting on to, or alighting from, the vehicle, and the reference to an antecedent agreement is to one made at any time before the liability arose.

(7) Notwithstanding anything in any enactment, a person issuing a policy of insurance under paragraph 3 shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

(8) To the extent that a policy or security issued or given for the purposes of this Schedule —

- (a) restricts the insurance of the persons insured by the policy or the operation of the security to use of the vehicle for specified purposes (for example, social, domestic and pleasure purposes) of a non-commercial character; or
- (b) excludes from the insurance or the operation of the security —
 - (i) use of the vehicle for hire or reward; or

- (ii) business or commercial use of the vehicle; or
- (iii) use of the vehicle for specified purposes of a business or commercial character,

then for the purposes of the policy or security so far as it relates to such liabilities as are required to be covered by a policy under paragraph 3, the use of the vehicle on a journey in the course of which one or more passengers are carried at separate fares shall, if the conditions specified in section 4(4) of the *Road Transport Act 2001* are satisfied, be treated as falling within that restriction or as not falling within that exclusion, as the case may be.⁴²⁹

(9) Sub-paragraph (8) applies however the restrictions or exclusions described in that sub-paragraph are framed or worded.⁴³⁰

Duty of insurers or persons giving security to satisfy judgment against persons insured or secured against third-party risks.

[P1972/20/149]

7. (1) This paragraph applies where, after a certificate of insurance or a certificate of security has been delivered under paragraph 5 to the person by whom the policy has been effected or to whom a security has been given, a judgment to which this sub-paragraph applies is obtained.⁴³¹

(1A) Sub-paragraph (1) applies to judgments relating to a liability with respect to any matter, liability with respect to which is required to be covered by a policy of insurance under paragraph 3 if —

- (a) it is a liability covered by the terms of a policy or security to which the certificate relates, and the judgment is obtained against any person who is insured by the policy or whose liability is covered by the security, as the case may be; or
- (b) it is a liability, other than an excluded liability, which would be so covered if the policy insured all persons or, as the case may be, the security covered the liability of all persons, and the judgment is obtained against any person other than one who is insured by the policy or, as the case may be, whose liability is covered by the security.⁴³²

(1B) In deciding for the purpose of sub-paragraph (1A) whether a liability is or would be covered by the terms of a policy or security, so much of the policy or security as purports to restrict, as the case may be, the insurance of the persons insured by the policy or the operation of the security by reference to the holding by the driver of the vehicle of a licence authorising him to drive it shall be treated as of no effect.⁴³³

(1C) In sub-paragraph (1A)(b) “excluded liability” means a liability in respect of the death of, or bodily injury to, or damage to the property of any person who, at the time of the use which gave rise to the liability, was allowing himself to be carried in or upon the vehicle and knew or had reason to believe that the vehicle had been stolen or unlawfully taken, not being a person who did not know and had no reason to believe

that the vehicle had been stolen or unlawfully taken until after the commencement of his journey and could not reasonably have been expected to have alighted from the vehicle.

In this sub-paragraph a reference to a person being carried in or upon a vehicle includes a reference to a person entering or getting on to, or alighting from, the vehicle.⁴³⁴

(1D) Notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy or security, he shall, subject to the provisions of this paragraph, pay to the persons entitled to the benefit of the judgment —

- (a) as regards liability in respect of death or bodily injury, any sum payable under the judgment in respect of the liability, together with any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum;
- (b) as regards liability in respect of damage to property, any sum required to be paid under sub-paragraph (1E); and
- (c) any amount payable in respect of costs.⁴³⁵

(1E) This sub-paragraph requires the payment —

- (a) where the total of any amounts paid, payable or likely to be payable under the policy or security in respect of damage to property caused by, or arising out of, the accident in question does not exceed £250,000, of any sum payable under the judgment in respect of the liability, together with any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum;
- (b) where that total exceeds £250,000, of either —
 - (i) such proportion of any sum payable under the judgment in respect of the liability as £250,000 bears to the total, together with the same proportion of any sum which, by virtue of any such enactment, is payable in respect of interest on that sum;
 - (ii) the difference between the total of any amounts already paid under the policy or security in respect of any such damage and £250,000, together with such proportion of any sum which, by virtue of any such enactment, is payable in respect of interest on any sum payable under the judgment in respect of the liability as the difference bears to that sum;

whichever is less, unless not less than £250,000 has already been paid under the policy or security in respect of such damage (in which case nothing is payable).⁴³⁶

(2) No sum shall be payable by an insurer under sub-paragraph (1) —

- (a) in respect of any judgment, unless before or within 7 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 or damage to property giving rise to the liability, the policy or security 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 14 days from the taking effect of the cancellation of the policy or security, the certificate was surrendered to the insurer, or the person to whom it 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 14 days, the insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate.⁴³⁷

(3) Subject to sub-paragraph (4), no sum shall be payable by an insurer under the provisions of this paragraph if, in an action commenced before, or within 3 months after, the commencement of the proceedings in which the judgment was given, he had obtained a declaration that, apart from any provision contained in the policy or security 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 or security on that ground, that he was entitled so to do apart from any provision contained in it.

(4) An insurer who has obtained such a declaration in an action shall not thereby become entitled to the benefit of sub-paragraph (3) as respects any judgment obtained in proceedings commenced before the commencement of that action unless before, or within 7 days after, the commencement of that action he has given notice thereof to the person who is the plaintiff in the proceedings specifying the non-disclosure or false representation on which he proposes to rely; and a person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party thereto.

(4A) Where an insurer becomes liable under this paragraph by virtue only of the operation of sub-paragraph (1B) to pay an amount in respect of a liability of a person who is insured by a policy or whose liability is covered by a security, he shall be entitled to recover the amount from that person.⁴³⁸

(4B) Where an insurer becomes liable under this paragraph to pay an amount in respect of a liability of a person who is not insured by a policy or whose liability is not covered by a security, he shall be entitled to recover the amount from that person or from any person who —

- (a) is insured by the policy, or whose liability is covered by the security, by the terms of which the liability would be covered if the policy insured all persons or, as the case may be, the security covered the liability of all persons; and
- (b) caused or permitted the use of the vehicle which gave rise to the liability.⁴³⁹

(5) If the amount which an insurer becomes liable under this paragraph to pay in respect of a liability of a person who is insured by a policy or whose liability is covered by a security exceeds the amount for which he would, apart from the provisions of this paragraph, be liable under the policy or security in respect of that liability, he shall be entitled to recover the excess from that person.

(6) In this paragraph —

“insurer” includes a person giving a security;

“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;

“liability covered by the terms of the policy or security” means a liability which is covered by the policy or security 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 or security.

Bankruptcy, etc, of insured or secured persons not to affect claims by third parties
[P1972/20/150]

8. Where, after a certificate of insurance or certificate of security has been delivered under paragraph 5 to the person by whom a policy has been effected or to whom a security has been given, any of the following events happens —

- (a) the person by whom the policy was effected or to whom the security was given becomes bankrupt or makes a composition or arrangement with his creditors;
- (b) the said person dies, and an order is made under section 130 of the Bankruptcy Act 1914 (an Act of Parliament) for the administration of his estate according to the law of bankruptcy; or the said person dies insolvent, and an order is made that his estate shall be administered in accordance with section 39 of the *Administration of Estates Act 1990*;⁴⁴⁰
- (c) if the said person is a company, a winding-up order is made with respect to the company or a resolution for a voluntary winding-up is passed with respect thereto, or a receiver or manager of the company's business or undertaking is duly appointed or possession is taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge;

the happening of that event shall, notwithstanding anything in the *Third Parties (Rights Against Insurers) Act 1932*, or the *Third Parties (Rights Against Insurers) Act 1930* (an Act of Parliament), not affect any such liability of the said person as is required to be covered by a policy of insurance under paragraph 3, but nothing in this paragraph shall affect any rights conferred by that Act on the person to whom the liability was incurred, being rights so conferred against the person by whom the policy was issued or the security was given.

Duty to give information as to insurance or security where claim made
[P1972/20/151]

9. (1) A person against whom a claim is made in respect of any such liability as is required to be covered by a policy of insurance under paragraph 3 shall, on demand by or on behalf of the person making the claim —

- (a) state whether or not, in respect of that liability, he was insured by a policy having effect for the purposes of this Schedule or had in force a security having effect for those purposes, or would have been so insured or would have had in force such a security if the insurer or, as the case may be, the giver of the security had not avoided or cancelled the policy or security, and
- (b) if he was or would have been so insured, or had or would have had in force such a security, give such particulars with respect to that policy or security as were specified in any certificate of insurance or security delivered in respect of that policy or security as the case may be, under paragraph 5, or where no such certificate was delivered under that paragraph the following particulars —
 - (i) the registration mark or other identifying particulars of the vehicle concerned;
 - (ii) the number or other identifying particulars of the insurance policy issued in respect of the vehicle;
 - (iii) the name of the insurer; and
 - (iv) the period of the insurance cover.

(2) If without reasonable excuse, a person fails to comply with the provisions of sub-paragraph (1) or wilfully makes a false statement in reply to any such demand, he shall be guilty of an offence.

Deposits

[P1972/20/152]

10. (1) Where a person has deposited a sum with the Treasury under paragraph 2 or 4, then so long as any liabilities incurred by him, being such liabilities as required to be covered by a policy of insurance under paragraph 3, have not been discharged or otherwise provided for, no part of that sum shall be applicable in discharge of any other liabilities incurred by him.⁴⁴¹

(2) Rules may be made by the Treasury with respect to deposits made with the Treasury under paragraph 2 or 4.⁴⁴²

PART II – SUPPLEMENTARY

Regulations for purposes of this Schedule

[P1972/20/157]

11. The Department may make regulations generally for the purpose of carrying this Schedule into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations –

- (a) as to the forms to be used for the purposes of this Schedule;
- (b) as to applications for and the issue of certificates of insurance and certificates of security and any other documents which may be prescribed, and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Department or the Chief Constable;⁴⁴³
- (c) as to the issue of copies of any such certificates or other documents which are lost or destroyed;
- (d) as to the custody, production, cancellation and surrender of any such certificates or other documents;
- (e) for providing that any provisions of this Schedule shall, in relation to vehicles brought into the Island by persons making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed.⁴⁴⁴

Alteration of limit liability

11A. The Department may from time to time by regulations substitute such other sum as may be specified in the regulations for the sum of £250,000 specified in paragraphs 3(4) and 7(1E).⁴⁴⁵

Interpretation

[P1972/20/158]

12. (1) In this Schedule –

“**certificate of insurance**” has the meaning assigned to it by paragraph 5(1);

“**certificate of security**” has the meaning assigned to it by paragraph 5(2);

“**motor insurance**” means insurance in respect of the liabilities specified in paragraph 3(3) (with or without other liabilities or risks);

“**motor insurance business**” means the business of effecting or carrying out contracts of motor insurance;

“**policy of insurance**” includes a covering note;

“**regulations**” means regulations made under paragraph 11;

“**salvage**” means the preservation of a vessel that is wrecked, stranded or in distress, or the lives of persons belonging to, or the cargo or apparel of, such a vessel;

“**under the owner’s control**”, in relation to a vehicle, means that the vehicle is being driven by the owner or by a servant of the owner in the course of his employment or is otherwise subject to the control of the owner.

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

(3) A policy of insurance that —

- (a) is in respect of third-party risks; and
- (b) complied with such requirements of this Schedule as were in force immediately before the commencement of sections 30 and 36 (amendments made to this Schedule and the interpretation of it) of the *Road Traffic Legislation (Amendment) Act 2021*,

is to be taken to be a policy of insurance for the purpose of this Schedule whether or not it was issued by a person who, after that commencement, was an authorised insurer.

(4) In this Schedule, any reference to an accident includes a reference to 2 or more causally related accidents.⁴⁴⁶

SCHEDULE 6

PROSECUTION AND PUNISHMENT OF OFFENCES

PART I – OFFENCES UNDER THIS ACT⁴⁴⁷

Provision creating offence	General nature of offence	Mode of Prosecution	Punishment	Disqualification	Endorsement	Penalty Points	Additional Provisions
1	Causing death by reckless driving	On information	14 years or a fine or both	Obligatory	Obligatory	-	Section 57 and paragraph 1 of Part IV apply
1A	Causing serious bodily harm by dangerous driving	On information	5 years or a fine or both	Obligatory	Obligatory	-	Section 57 and paragraph 1 of Part IV apply
2	Dangerous driving	(a) Summarily	6 months or level 5 on the standard scale or both	Obligatory	Obligatory	-	Sections 55, 57 and 59 and paragraph 1 of Part IV apply
		(b) On information	2 years or a fine or both				

Provision creating offence	General nature of offence	Mode of Prosecution	Punishment	Disqualification	Endorsement	Penalty Points	Additional Provisions
2B	Causing death by careless or inconsiderate driving	(a) Summarily (b) On information	12 months or level 5 on the standard scale or both 5 years or a fine or both	Obligatory	Obligatory	-	Sections 57 and 59 and paragraph 1 of Part IV apply
2C	Causing serious bodily harm by careless or inconsiderate driving	(a) Summarily (b) On information	6 months or level 5 on the standard scale or both 2 years or a fine or both	Obligatory	Obligatory	-	Sections 57 and 59 and paragraph 1 of Part IV apply
3	Careless, or inconsiderate, driving	Summarily	Level 5 on the standard scale	Discretionary	Obligatory	3-9	Sections 55, 57 and 59 apply
3A	Causing death by careless driving when under the influence of drink or drugs	On information	14 years or a fine or both	Obligatory	Obligatory	-	Section 57 and paragraphs 1 and 2 of Part IV apply
3B	Causing death by driving and at the time unlicensed, disqualified or uninsured	(a) Summarily (b) On information	12 months or level 5 on the standard scale or both 5 years or a fine or both	Obligatory	Obligatory	-	Sections 57 and 59 apply
4(2)	Driving under age	Summarily	Level 3 on the standard scale	Discretionary	Obligatory	2	Sections 56, 57 and 59 apply
[Repealed] 448							
5(1)	Driving when unfit to drive through drink or drugs	On information Summarily	2 years or a fine or both 6 months or level 5 on the standard scale or both	Obligatory	Obligatory	10	Sections 57 and 59 and paragraphs 1 and 3 of Part IV apply
5(2)	Being in charge of vehicle when unfit to drive through drink or drugs	Summarily	6 months or level 5 on the standard scale or both	Discretionary	Obligatory	10	Sections 57 and 59 apply
5A(1)(a)	Driving with excess alcohol in breath, blood or urine	Summarily	6 months or level 5 on the standard scale or both	Obligatory	Obligatory	10	Sections 57 and 59 and paragraphs 1 and 3 of Part IV apply
5A(1)(b)	Being in charge of vehicle with excess alcohol in breath, blood or urine	Summarily	3 months or level 4 on the standard scale or both	Discretionary	Obligatory	10	Sections 57 and 59 apply
5AA(1)(a) and (2) 449	Driving or attempting to drive with concentration of specified controlled drug above specified limit.	Summarily	6 months or level 4 on the standard scale or both	Obligatory	Obligatory	10	Sections 57 and 59 and paragraphs 1 and 3 of Part IV apply
5AA(1)(b) and (2) 450	Being in charge of a vehicle with concentration of specified controlled drug above specified limit.	Summarily	3 months or level 4 on the standard scale or both	Discretionary	Obligatory	10	Sections 57 and 59 apply

<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Mode of Prosecution</i>	<i>Punishment</i>	<i>Disqualification</i>	<i>Endorsement</i>	<i>Penalty Points</i>	<i>Additional Provisions</i>
5B(5)	Failing to provide specimen of breath for breath test	Summarily	Level 3 on the standard scale	Discretionary	Obligatory	4	Sections 57 and 59 apply
5BA(6) ⁴⁵¹	Failing to undertake a preliminary drug test	Summarily	Level 3 on the standard scale	Discretionary	Obligatory	4	Sections 57 and 59 apply
6(6)	Failing to provide specimen for analysis: (a) Where specimen is required to ascertain ability to drive or proportion of alcohol at the time offender was driving or attempting to drive (b) In any other case	On information Summarily	2 years or a fine or both 6 months or level 5 on the standard scale or both	Obligatory	Obligatory	10	Sections 57 and 59 apply
		Summarily	6 months or level 5 on the standard scale or both	Discretionary	Obligatory	10	
7DA	Failing to allow specimen of blood to be subjected to laboratory test: (a) Where the test would be for ascertaining ability to drive or proportion of alcohol at the time offender was driving or attempting to drive (b) In any other case	Summarily	6 months or level 5 on the standard scale or both	Obligatory	Obligatory	10	Sections 57 and 59 apply
		Summarily	3 months or level 4 on the standard scale or both	Discretionary	Obligatory	4	Sections 57 and 59 apply
8(1)	Motor racing and speed trials on highways	Summarily	Level 4 on the standard scale	Obligatory	Obligatory	-	Sections 57 and 59 apply
9(1) ¹	Other unauthorised or irregular competitions or trials on highways	Summarily	Level 3 on the standard scale	-	-	-	-
10	Carrying passenger on motor cycle contrary to section 10	Summarily	Level 2 on the standard scale	Discretionary	Obligatory	1	Sections 57 and 59 apply
11	Dangerous cycling	Summarily	Level 4 on the standard scale	-	-	-	Sections 55, 57 and 59 and paragraph 1 of Part IV apply
12	Careless and inconsiderate cycling	Summarily	Level 3 on the standard scale	-	-	-	Sections 55, 57 and 59 apply
13(1)	Cycling when unfit through drink or drugs	Summarily	Level 4 on the standard scale	-	-	-	Sections 57 and 59 apply
14(1)	Unauthorised or irregular cycle racing or trials of speed on highways	Summarily	Level 2 on the standard scale	-	-	-	Sections 57 and 59 apply

¹ Section 9 is not yet in operation

Provision creating offence	General nature of offence	Mode of Prosecution	Punishment	Disqualification	Endorsement	Penalty Points	Additional Provisions
15(1)	Carrying passenger on bicycle contrary to section 15	Summarily	Level 2 on the standard scale	-	-	-	Sections 57 and 59 apply
16(1)	Failing to comply with traffic directions	Summarily	Level 3 on the standard scale	Discretionary, if committed in respect of a motor vehicle by a failure to comply with a direction of a constable or an indication given by a sign specified for the purpose of this paragraph in regulations made by the Department	Obligatory, if committed as described in the entry in column 5 relating to this offence	3	Sections 55, 57 and 59 apply
17	Pedestrian etc, failing to stop when directed by constable regulating traffic	Summarily	Level 2 on the standard scale	-	-	-	-
18(1)	Allowing a motor vehicle to rest on a road contrary to section 18	Summarily	Level 3 on the standard scale	-	-	-	Sections 57 and 59 apply
18A(1) ⁴⁵²	Parking near a junction, etc.	Summarily	Level 3 on the standard scale	-	-	-	Sections 57, 58 and 59 apply
19	Leaving vehicle in dangerous position	Summarily	Level 3 on the standard scale	Discretionary, if committed in respect of a motor vehicle	Obligatory, if committed in respect of a motor vehicle	3	Sections 55, 57 and 59 apply
20(6) ⁴⁵³	Failing to stop after accident and give particulars or report accident	Summarily	9 months or level 5 on the standard scale or both	Discretionary	Obligatory	5-10	Sections 57 and 59 apply
21(2)	Obstructing inspection of vehicle after accident	Summarily	Level 3 on the standard scale	-	-	-	-
22	Tampering with motor vehicle	Summarily	Level 3 on the standard scale	-	-	-	Section 57 applies
23(1)	Holding or getting on to vehicle in order to be carried	Summarily	Level 2 on the standard scale	-	-	-	Section 57 applies
23(2)	Holding on to vehicle in order to be towed	Summarily	Level 2 on the standard scale	-	-	-	Sections 57 and 59 apply
24(2)	Driving or riding in contravention of regulations requiring wearing of protective helmet ⁴⁵⁴	Summarily	Level 2 on the standard scale	-	-	-	-
24(4)	Selling, etc, helmet not of prescribed type ⁴⁵⁵	Summarily	Level 3 on the standard scale	-	-	-	-
25(3) ⁴⁵⁶	Driving or riding in a motor vehicle in contravention of regulations requiring wearing of seat belts	Summarily	Level 4 on the standard scale	discretionary for the driver of the motor vehicle	Obligatory for the driver of the motor vehicle	3	Sections 57 and 59 apply
25(5) ⁴⁵⁷	Driving motor vehicle with a child under the age of 14 years who is not wearing a seat belt in conformity with regulations	Summarily	Level 4 on the standard scale	discretionary	obligatory	3-	Sections 57 and 59 apply
25(5A) ⁴⁵⁸							

<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Mode of Prosecution</i>	<i>Punishment</i>	<i>Disqualification</i>	<i>Endorsement</i>	<i>Penalty Points</i>	<i>Additional Provisions</i>
25A(1)	Causing danger to road-users	On information Summarily	7 years or a fine or both 6 months or level 5 on the standard scale or both	-	-	-	-
26(3)	Causing, etc heavy motor vehicle to be driven or to be hauled without proper crew	Summarily	Level 3 on the standard scale	-	-	-	Sections 57 applies
27(3)	Unauthorised trial, etc on footpath	Summarily	Level 3 on the standard scale	-	-	-	Sections 57 and 59 apply
28(1)	Driving motor vehicle elsewhere than on roads, etc. ⁴⁵⁹	Summarily	Level 3 on the standard scale	-	-	-	Sections 57 and 59 apply
28(5)	Riding or driving horse, or using vehicle, on right of way in such a manner as to interfere with the use and enjoyment of that right of way by pedestrians	Summarily	Level 2 on the standard scale	-	-	-	Sections 57 and 59 apply
28(6) ⁴⁶⁰							
28A(4)	Immobilising vehicle on land where prescribed notice is not displayed	Summarily	Level 3 on the standard scale	-	-	-	-
30(1)	Driving or riding of vehicle on footway ⁴⁶¹	Summarily	Level 2 on the standard scale	-	-	-	Sections 57 and 59 apply
30(2)	Parking of vehicle on central reservation or footway ⁴⁶²	Summarily	Level 3 on the standard scale	-	-	-	Sections 57 and 59 apply
38(2)	Failing to adjust the lights of a motor vehicle so as to prevent the driver of an approaching vehicle being dazzled	Summarily	Level 3 on the standard scale	-	-	-	Sections 57 and 59 apply
40	Failing to stop vehicle, etc, when required by a constable	Summarily	(a) if the offence involved a motor vehicle, level 5 on the standard scale (b) if the offence involved a cycle or an animal, level 3 on the standard scale	-	-	-	Sections 57 and 59 apply
41(2)	Refusing or neglecting to allow motor vehicle or trailer to be weighed, etc	Summarily	Level 4 on the standard scale	-	-	-	Sections 57 and 59 apply
42(4)	Failure to produce driving licence to constable	Summarily	Level 4 on the standard scale	-	-	-	Sections 57 and 59 apply

<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Mode of Prosecution</i>	<i>Punishment</i>	<i>Disqualification</i>	<i>Endorsement</i>	<i>Penalty Points</i>	<i>Additional Provisions</i>
43(1)	Failure to give constable certain names and addresses or to produce certificate of insurance or certain tests and other like certificates	Summarily	Level 3 on the standard scale	-	-	-	Sections 57 and 59 apply
43(2A)	Failure to give constable certain names and addresses	Summarily	Level 3 on the standard scale	-	-	-	Sections 57 and 59 apply
43(3)	Supervisor of learner driver failing to give constable certain names and addresses	Summarily	Level 3 on the standard scale	-	-	-	Sections 57 applies
44(1)	Refusing to give, or giving false, name and address in case of dangerous careless or inconsiderate driving or cycling	Summarily	Level 4 on the standard scale	-	-	-	Section 57 applies
45	Pedestrian failing to give constable his name and address after failing to stop when directed by constable controlling traffic	Summarily	Level 2 on the standard scale	-	-	-	-
46(1)	Failure by owner of motor vehicle to give police information for verifying compliance with requirements of compulsory insurance or security	Summarily	Level 3 on the standard scale	-	-	-	Sections 57 and 59 apply
47(4)	Failure of person keeping vehicle and others to give police information as to identity of driver, etc, in the case if certain offences	Summarily	(a) if the offence involved a motor vehicle, level 4 on the standard scale (b) if the offence involved a cycle, level 3 on the standard	-	-	-	-
47C(a) ⁴⁶³	Contravening section 47A(8) (remove notice on, or release or remove, immobilised vehicle, etc.)	Summarily	Level 3 on the standard scale	-	-	-	-
47C(b) ⁴⁶⁴	Intentionally obstructing a person exercising a function under section 47A or under regulations made under section 47B	Summarily	Level 3 on the standard scale	-	-	-	-
47C(c) ⁴⁶⁵	Providing false or misleading evidence to secure release of vehicle	(a) Summarily (b) On information	Level 4 on the standard scale 2 years or a fine or both				Section 56 applies

Provision creating offence	General nature of offence	Mode of Prosecution	Punishment	Disqualification	Endorsement	Penalty Points	Additional Provisions
48(1)	Forgery, etc, of licences, test certificates, certificates of insurance and other documents and things	(a) Summarily (b) On information	6 months or level 5 on the standard scale or both 2 years or a fine or both				Section 56 applies
49(1)	Making false statements in connection with licences under this Act and with registration as an approved driving instructor	Summarily	3 months or level 4 on the standard scale or both	-	-	-	Section 56 applies
49(2)	Making, or making use of, false statements, etc. 466	Summarily	3 months or level 4 on the standard scale or both	-	-	-	-
49(3)	Making false statements as to the remedying of defects discovered in vehicle on roadside tests	Summarily	3 months or level 4 on the standard scale or both	-	-	-	-
49(4)	Making false statement or withholding material information to obtain the issue of evidence of insurance or security for a vehicle, etc. 467	Summarily	3 months or level 4 on the standard scale or both	-	-	-	Section 56 applies
50	Issuing evidence of insurance or security for a vehicle that is false in a material particular 468	Summarily	Level 5 on the standard scale	-	-	-	Section 56 applies
52	Personation of authorised examiner, etc	Summarily	Level 4 on the standard scale	-	-	-	-
54	Contravention of regulations in a case where contravention thereof is not made an offence under any other provision of this Act	Summarily	Level 2 on the standard scale	-	-	-	Section 57 and 59 apply
73B(4)(a) 469	Not being the holder of a valid Professional Driver's Card while driving on a road a vehicle of a prescribed class for a professional purpose	Summarily	Level 2 on the standard scale	-	-	-	Section 57 and 58 apply

<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Mode of Prosecution</i>	<i>Punishment</i>	<i>Disqualification</i>	<i>Endorsement</i>	<i>Penalty Points</i>	<i>Additional Provisions</i>
73B(4)(b) 470	Causing or permitting a person to drive a vehicle of a prescribed class on a road for a professional purpose knowing the person is not the holder of a valid Professional Driver's Card, etc.	Summarily	Level 4 on the standard scale	-	-	-	Section 57 and 58 apply
73B(4)(c) 471	Failing or refusing to produce a valid Professional Driver's Card when demanded by a constable	Summarily	Level 2 on the standard scale	-	-	-	-
Schedule 1 para 3(1)	Applying warranty to protective helmet in defending proceedings under section 24 where no warranty given	Summarily	Level 3 on the standard scale	-	-	-	-
Schedule 1 para 3(2)	Giving to purchaser of protective helmet a false warranty in case where warranty might be defence in proceedings under section 24	Summarily	Level 3 on the standard scale	-	-	-	-
Schedule 2 para 1(5)	Contravention of construction and use regulations, etc. 472	Summarily	Level 4 on the standard scale in the case of an offence of using, or causing or permitting the use of, a goods vehicle — (a) so as to cause, or to be likely to cause, danger by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load, or (b) in breach of a construction and use requirement as to brakes, steering gears, tyres or any description of weight; or (c) for any purpose for which it is so unsuitable as to cause, or to be likely to cause danger;	Discretionary if committed by using, or causing or permitting the use of, any motor vehicle or trailer — (a) as described in paragraph (a) or paragraph (c) in the entry in column 4 relating to this offence; or (b) in breach of a construction and use requirement as to brakes, steering gear, or tyres; except where the offender proves that he did not know and had no reasonable cause to suspect that the facts of the case were such that the offence would be committed.	Obligatory if committed as described in the entry in column 5 relating to this offence, but subject to the exception there mentioned	3	Sections 57 and 59 apply

Provision creating offence	General nature of offence	Mode of Prosecution	Punishment	Disqualification	Endorsement	Penalty Points	Additional Provisions
			Level 4 on the standard scale in the case of an offence of carrying on a goods vehicle a load which, by reason of its insecurity or position, is likely to cause danger; Level 4 on the standard scale in the case of an offence of driving a motor vehicle while using a mobile telephone which is held in a hand; level 4 on the standard scale in the case of an offence of intentionally obstructing or hindering an authorised person testing or inspecting a motor vehicle or trailer, etc.; level 4 on the standard scale in any other case.⁴⁷³	Discretionary if committed by carrying on a motor vehicle or trailer a load which, by reason of its insecurity or position, is likely to cause danger, but subject to the exception above Discretionary	Obligatory Obligatory	4 -	
Schedule 2 para 4(1B)	Failing to stop when required by authorised examiner	Summarily	Level 4 on the standard scale	-	-	-	Sections 57 and 59 apply
Schedule 2 para 4(4)	Obstructing testing of vehicle by examiner on road or failing to comply with requirements of paragraph 4 of Schedule 2 ⁴⁷⁴	Summarily	Level 3 on the standard scale	-	-	-	-
Schedule 2 para 5(6) (including application by para 6(3))	Failure of owner of vehicle discovered to be defective on roadside test or further test to give required certificate or declaration	Summarily	Level 3 on the standard scale	-	-	-	-

<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Mode of Prosecution</i>	<i>Punishment</i>	<i>Disqualification</i>	<i>Endorsement</i>	<i>Penalty Points</i>	<i>Additional Provisions</i>
Schedule 2 para 5(7) (including application by para 6(3))	Failure of person in charge of vehicle on roadside test or further test to give particulars of owner	Summarily	Level 3 on the standard scale	-	-	-	-
Schedule 2 para 6(4)	Obstructing further testing of vehicle by examiner or failing to comply with requirement under paragraph 475	Summarily	Level 3 on the standard scale	-	-	-	-
Schedule 2 para 6A(3)	Selling, etc unroadworthy vehicle or trailer or altering it so as to make it unroadworthy	Summarily	Level 5 on the standard scale	-	-	-	-
Schedule 2 para 6B(1)	Fitting of defective or unsuitable vehicle parts	Summarily	Level 5 on the standard scale	-	-	-	-
Schedule 2 para 6B(3)	Selling defective or unsuitable vehicle parts	Summarily	Level 3 on the standard scale	-	-	-	-
Schedule 2 para 6B(6)	Obstructing examiner testing vehicle for unsuitable parts etc	Summarily	Level 3 on the standard scale	-	-	-	-
Schedule 2 para 6C(2)	Obstructing examiner testing used vehicles at saleroom etc	Summarily	Level 3 on the standard scale	-	-	-	-
Schedule 2 para 6F(4)	Contravention of requirements of regulations under para 6F that goods vehicle be examined for plating purposes etc	Summarily	Level 4 on the standard scale	-	-	-	Sections 57 and 59 apply
Schedule 2 paragraph 6FA(3)	Contravening requirements of regulations under paragraph 6FA(2)	Summarily	Level 4 on the standard scale	-	-	-	-
Schedule 2 para 6I(8)	Diving etc motor vehicle in contravention of prohibition as being unfit for service	Summarily	Level 5 on the standard scale	-	-	-	-
Schedule 2 para 6J(5)	Driving etc goods vehicle or public service vehicle in contravention of prohibition as being overweight, or failing to comply with direction to remove vehicle	Summarily	Level 5 on the standard scale	-	-	-	-
Schedule 2 para 7(4)	Selling, etc, pedal cycle in contravention of regulations 476	Summarily	Level 3 on the standard scale	-	-	-	-
Schedule 2 para 9	Selling, etc, wrongly made tail lamps or reflectors	Summarily	Level 4 on the standard scale	-	-	-	-

<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Mode of Prosecution</i>	<i>Punishment</i>	<i>Disqualification</i>	<i>Endorsement</i>	<i>Penalty Points</i>	<i>Additional Provisions</i>
Schedule 3 para 1(1)	Driving otherwise than in accordance with a licence	Summarily	Level 3 on the standard scale	Discretionary, if the offence is committed by driving a motor vehicle in a case where either — (a) no licence authorising the driving of that vehicle could have been granted to the offender; or (b) if a provisional (but no other) licence to drive it could have been granted to him, the driving would not have complied with the conditions thereof	Obligatory, if committed as described in the entry in column 5 relating to this offence	2	Section 57 and 59 apply
Schedule 3 para 1(2)	Causing or permitting a person to drive otherwise than in accordance with a licence	Summarily	Level 4 on the standard scale	-	-	-	Section 57 applies
Schedule 3 para 1(5)	Contravention of requirement under regulations under para 1(4) to produce permit etc	Summarily	Level 3 on the standard scale	Discretionary	Obligatory	2	Section 56 and 58 apply
Schedule 3 para 4(11)(a) 477	Making a false declaration for driving licence	(a) Summarily (b) On information	Level 4 on the standard scale 2 years or a fine or both	Discretionary	Obligatory	3	Sections 56 and 58 apply
Schedule 3 para 4(11)(b) 478	Driving a motor vehicle on a road contrary to any limitation or condition included in a driving licence	Summarily	Level 4 on the standard scale	Discretionary	Obligatory	3	Section 57, 58 and 59 apply
Schedule 3, para 4(11)(c) 479	Failing to return a driving licence to the Department forthwith when required to do so	Summarily	Level 2 on the standard scale	-	-	-	-
Schedule 3 para 5A(3) 480	Failing to notify onset of disability, etc.	Summarily	Level 3 on the standard scale	-	-	-	Section 56 applies
Schedule 3 para 6(3A) 481	Contravention in connection with course of training for motorcyclists	Summarily	Level 3 on the standard scale	-	-	-	Section 58 applies
Schedule 3 para 6(10) 481	Failing to comply with any conditions or restrictions prescribed for purposes of the paragraph	Summarily	Level 4 on the standard scale	Discretionary	Obligatory	3	Section 57 and 58 apply
Schedule 3 para 6A 482	Exceeding speed limit where vehicle bears mark prescribed for learner-driver	Summarily	Level 3 on the standard scale	Discretionary	Obligatory	3	Section 57, 58 and 59 apply
Schedule 3 para 6B(4)	Failing to comply with prescribed restrictions relating to newly qualified drivers etc.	Summarily	Level 3 on the standard scale	Discretionary	Obligatory	3	Section 57 and 58 apply

<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Mode of Prosecution</i>	<i>Punishment</i>	<i>Disqualification</i>	<i>Endorsement</i>	<i>Penalty Points</i>	<i>Additional Provisions</i>
Schedule 3 para 6C	Exceeding speed limit where vehicle bears mark prescribed for newly-qualified drivers	Summarily	Level 3 on the standard scale	Discretionary	Obligatory	3	Sections 57, 58 and 59 apply
Schedule 3 para 9(1)	Driving with uncorrected defective eyesight	Summarily	level 4 on the standard scale 483	Discretionary	Obligatory	2	-
Schedule 3 para 9(2) 484							
Schedule 3 para 9(5) 485	Failing to return a driving licence to the Department forthwith when required to do so	Summarily	Level 2 on the standard scale	-	-	-	-
Schedule 3 para 18(a)	Obtaining driving licence while disqualified	Summarily	Level 4 on the standard scale	-	-	-	Section 56 applies
Schedule 3 para 18(b)	Driving while disqualified by virtue of paragraph 15 of Schedule 3 (under age)	Summarily	Level 3 on the standard scale	Discretionary	Obligatory	2	Sections 56, 57 and 59 apply
Schedule 3 para 18(b) 486	Driving while disqualified by virtue of order of a court	(a) Summarily (b) On information	(a) 6 months or level 5 on the standard scale or both (b) 12 months or a fine or both	Obligatory	Obligatory	6	Sections 56, 57 and 59 apply
Schedule 3 para 20(4) 487	Failing to produce licence to the court in accordance with the paragraph	Summarily	Level 4 on the standard scale	-	-	-	-
Schedule 3 para 20(6)	Applying for or obtaining licence without giving particulars of current endorsement	Summarily	Level 4 on the standard scale	-	-	-	-
Schedule 4 para 2(2)	Unregistered instructor using title or displaying badge, etc, prescribed for registered instructor and employer using such title, etc, in relation to his unregistered instructor or issuing misleading advertisement, etc	Summarily	Level 5 on the standard scale	-	-	-	-
Schedule 4 para 3(3)	Giving of paid driving instruction by unregistered and unlicensed persons or their employees, etc. 488	Summarily	Level 4 on the standard scale	-	-	-	-
Schedule 4 para 4A(6)	Giving instruction in contravention of a stop notice	Summarily	6 months or level 5 on the standard scale or both	-	-	-	-

<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Mode of Prosecution</i>	<i>Punishment</i>	<i>Disqualification</i>	<i>Endorsement</i>	<i>Penalty Points</i>	<i>Additional Provisions</i>
Schedule 4 para 12	Failure of instructor to surrender to Registrar certificate or licence	Summarily	Level 2 on the standard scale	-	-	-	-
Schedule 4 para 13(3)	Failing to produce certificate of registration or licence as driving instructor	Summarily	Level 2 on the standard scale	-	-	-	-
Schedule 5 para 1	Using motor vehicle while uninsured or unsecured against third-party risks	Summarily	Level 5 on the standard scale	Discretionary	Obligatory	4-8	Sections 56,57 and 59 apply
Schedule 5 para 5(3) 489							
Schedule 5 para 5(5)	Failing to produce further insurance etc to the Department	Summarily	Level 2 on the standard scale	-	-	-	-
Schedule 5 para 9(2)	Failing to give information, or wilfully making false statement, as to insurance or security when claim made	Summarily	Level 5 on the standard scale	-	-	-	

PART II

Other Offences Involving Obligatory Disqualification and Endorsement

Manslaughter by the driver of a motor vehicle.

PART III

Other Offences Involving Discretionary Disqualification and Obligatory Endorsement

	<i>Description of offence</i>	<i>Penalty points</i>
1.	Stealing or attempting to steal a motor vehicle.	8
2	An offence, or attempt to commit an offence, in respect of a motor vehicle under section 12 of the <i>Theft Act 1981</i> (taking conveyance without consent of owner etc or, knowing it has been so taken, driving it or allowing oneself to be carried in it).	8
3.	An offence under section 27 of the <i>Theft Act 1981</i> (going equipped for stealing, etc) committed with reference to the theft or taking of motor vehicles.	8
3A.	An offence under section 1(12) of the <i>Road Traffic Regulation Act 1985</i> (contravention of traffic regulation)	3

order) consisting of a contravention of a prohibition under section 1(3A)(b) of that Act (use of roads by long or heavy vehicles).⁴⁹⁰

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|----|--|------|
| 4. | An offence under section 7(4) of the <i>Road Traffic Regulation Act 1985</i> (contravention of pedestrian crossing regulations) committed in respect of a motor vehicle. | 3 |
| 5. | An offence under section 9(2) of the <i>Road Traffic Regulation Act 1985</i> (failure to obey sign exhibited by school crossing patrol) committed in respect of a motor vehicle. | 3 |
| 6. | An offence under section 22(l) of the <i>Road Traffic Regulation Act 1985</i> (speeding). | 1-10 |

PART IV⁴⁹¹

ALTERNATIVE VERDICTS

1. Where —
- (a) a person charged with an offence specified in column 1 of the following table is found not guilty of that offence; but
 - (b) the allegations in the information amount to or include an allegation of an offence under one or more of the provisions specified in the corresponding entry in column 2,

the person may be convicted of that offence or of one or more of those offences.

<i>Offence charged</i>	<i>Alternative offence</i>
Manslaughter in connection with the driving of a motor vehicle	Section 1 (causing death by dangerous driving) Section 2 (dangerous driving) Section 2B (causing death by careless or inconsiderate driving) Section 3A (causing death by careless driving when under the influence of drink or drugs)
Section 1 (causing death by dangerous driving)	Section 2 (dangerous driving) Section 2B (causing death by careless or inconsiderate driving) Section 3 (careless or inconsiderate driving)
Section 1A (causing serious bodily harm by dangerous driving)	Section 2 (dangerous driving) Section 2C (causing serious bodily harm by careless or inconsiderate driving) Section 3 (careless or inconsiderate driving)

Section 2 (dangerous driving)	Section 3 (careless or inconsiderate driving)
Section 2B (causing death by careless or inconsiderate driving)	Section 3 (careless or inconsiderate driving)
Section 2C (causing serious bodily harm by careless or inconsiderate driving)	Section 3 (careless or inconsiderate driving)
Section 3A (causing death by careless driving when under the influence of drink or drugs) ⁴⁹²	Section 2B (causing death by careless or inconsiderate driving) Section 3 (careless or inconsiderate driving) Section 5(1) (driving or attempting to drive when unfit to drive through drink or drugs) Section 5A(1)(a) (driving or attempting to drive with alcohol above prescribed limit) Section 5AA(1)(a) and (2) (driving or attempting to drive with concentration of specified controlled drug above specified limit) Section 6(6) (failing to provide specimen)
Section 5(1) (driving or attempting to drive when unfit to drive through drink or drugs)	Section 5(2) (being in charge of a vehicle when unfit through drink or drugs)
Section 5A(1)(a) (driving or attempting to drive with alcohol above prescribed limit)	Section 5A(1)(b) (being in charge of a vehicle with alcohol above prescribed limit)
Section 5AA(1)(a) and (2) (driving or attempting to drive with concentration of specified controlled drug above specified limit) ⁴⁹³	Section 5AA(1)(b) and (2) (being in charge of a vehicle with concentration of specified controlled drug above specified limit)
Section 11 (dangerous cycling)	Section 12 (careless or inconsiderate cycling)

2. Where the offence with which a person is charged is an offence under section 3A, paragraph 1 does not authorise the person's conviction of any offence of attempting to drive.

3. Where a person is charged with having committed an offence under section 5(1), 5A(1)(a) or 5AA(1)(a) and (2) by driving a vehicle, the person may be convicted of having committed an offence under the provision in question by attempting to drive.⁴⁹⁴

4. Where by virtue of this Part a person is convicted before the Court of General Gaol Delivery of an offence triable only summarily, the court has the same powers and duties as a court of summary jurisdiction would have had on convicting the person of that offence.

5. (1) This paragraph applies where a person is prosecuted for an offence in respect of which the person may, by virtue of this Part, be liable to be convicted of an alternative offence, and the court is of opinion that the offence with which the person is charged is not proven.

(2) Where this paragraph applies, at any time during or immediately after the hearing the court may, irrespective of any other powers it possesses, direct or allow a charge for that alternative offence to be preferred forthwith against the defendant and may then proceed with that charge.

(3) However, the defendant and his or her advocate must 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.

(4) If it considers that the defendant is prejudiced in his or her defence by reason of the new charge being so preferred, the court must adjourn the hearing.

6. This Part does not limit section 22 of the *Criminal Jurisdiction Act 1993* (alternative verdicts).

PART V

Interpretation

1. “**Construction and use requirement**” has the same meaning for the purposes of this Schedule as it has for the purposes of Schedule 2.

2. “**The relevant time**”, in relation to an offence under section 7(3), means the act or acts constituting the offence or suspected offence by virtue of which the offender was arrested under section 5(6) or, as the case may be, by virtue of which the requirement under section 7(2) was made.

SCHEDULE 7

SAVINGS AND TRANSITIONAL PROVISIONS

Section 80(1)

General

1. (1) Any reference in this Act (whether express or implied) to a thing done or made or falling to be done or made, or to a thing suffered, or to an event which has occurred, under or for the purpose of or by reference to a provision of this Act, shall, in so far as the context permits, be construed as including a reference to the corresponding thing done or made or falling to be done or made, to the corresponding thing suffered or, as the case may be, to the corresponding event which occurred under, or for the

purposes of, or by reference to, the corresponding provision of the enactments repealed by this Act.

(2) Sub-paragraph (1) shall not apply to any reference in this Act to a conviction.

Penalties

2. For the purposes of determining —

- (a) the punishment (by fine, imprisonment or both) which may be imposed on a person in respect of the commission by him of an offence under any provision of this Act; or
- (b) whether such an offence committed by a person involves obligatory disqualification for holding or obtaining a licence under Schedule 3; or
- (c) the length of the period for which a person is to be ordered to be disqualified for holding or obtaining a licence under Schedule 3,

an offence committed by that person under the corresponding enactment repealed by this Act or under an enactment repealed by the *Road Traffic Act 1963* which by paragraph 5(l) of Schedule 9 to that Act is to be treated as having been committed under an enactment contained in that Act shall be deemed to have been committed under that provision; and, in a case where such a determination depends upon whether that person has been previously convicted of an offence under any other provision of this Act, an offence committed by that person under an enactment so repealed which corresponds with an offence under that other provision of this Act shall be deemed to have been committed under that other provision.

Continuing offences

3. Where an offence, being an offence for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken under the corresponding provision of this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provision of this Act.

Disqualification

4. Paragraphs 14 and 18 of Schedule 3 shall apply to a person disqualified by an order of a court under the corresponding provisions of any enactments repealed by the *Road Traffic Act 1963* for obtaining a licence under the enactments repealed as they apply to a person disqualified by an order of a court under Schedule 3 for holding or obtaining a licence under the said Schedule 3.

Records

5. Any record kept under an enactment repealed by this Act shall be deemed to form part of the record kept under the corresponding provision of this Act.

Saving for nuisance etc

6. Nothing in this Act shall authorise a person to use on a road a vehicle so constructed or used as to cause a public or private nuisance, or affect the liability, whether under statute or the common law, of the driver or owner so using such a vehicle.

Repealed enactments to be treated as construction and use etc regulations

7. (1) Notwithstanding the repeal by this Act of the Lighting Act —

- (a) the provisions of that Act specified in sub-paragraph (2), and any enactment made or having effect as if made under that Act, shall have effect as if contained in regulations made under paragraph 1 or 7 of Schedule 2 and may be varied or revoked accordingly; and
- (b) subject to sub-paragraph (3), any provision contained in an enactment not repealed by this Act, in which any expression is given the same meaning as in, or is otherwise to be construed by reference to, any provision of the Lighting Act, shall continue to be construed as if that provision had not been so repealed.

(2) The provisions of the Lighting Act referred to in sub-paragraph (1) are sections 1(1) and (2), 2(1) to (3), 3, 4, 5, 7 and 8, in section 9, subsection (1) and, in subsection (7), the words from “where a vehicle” to the end, sections 10, 11(5), 17 and 18, subject to any modifications of those provisions made by regulations under that Act in force immediately before the commencement of this Act.

(3) The Department may by regulations make such amendments as it considers appropriate, to take account of paragraphs 1 and 7 of Schedule 2 and of sub-paragraphs (1) and (2), in any enactment which refers (whether directly or by virtue of the *Interpretation Act 1976* or otherwise) to any provision of the Lighting Act.⁴⁹⁵

(4) Notwithstanding the repeal by this Act of section 38 of the *Road Traffic Act 1963* (number of trailers), sub-sections (1) to (3) of that section shall have effect as if contained in regulations made under paragraph 1 of Schedule 2 and may be varied or revoked accordingly.

Saving for certain licence-holders

8. (1) A person shall not be guilty of an offence under section 4(2), or under paragraph 18(b) of Schedule 3 by virtue of paragraph 15 of that Schedule, in respect of the driving of a motor vehicle of any description if the driver of the vehicle is the holder of a licence authorising him to drive a vehicle of that description granted before the commencement of this Act or by virtue of sub-paragraph (2), and paragraph 17(2) of that Schedule shall not apply to such a licence.

(2) Where immediately before the commencement of this Act a person aged 16 years is the holder of a provisional licence authorising him to drive a motor cycle, nothing in paragraph 15 of Schedule 3 shall disqualify him for holding or obtaining a licence authorising him to drive a motor cycle.

Duration of provisional licence

9. Until a period is prescribed by regulations for the purposes of paragraph 7(1)(d) of Schedule 3 (duration of provisional licence), the period of 6 months shall be deemed to be so prescribed.

Highway Code

10. The Highway Code issued pursuant to section 42 of the *Road Traffic Act 1963* and approved by Tynwald on the 21st October 1969 shall be deemed to have been issued pursuant to section 31(1).

Saving for Interpretation Act 1976

11. Nothing in this Act affects or prejudices the provisions of sections 15 and 16 of the *Interpretation Act 1976* (effect of repeals and substituting provisions).

SCHEDULE 8

AMENDMENT OF CERTAIN ENACTMENTS

Section 80(2)

[Sch 8 amended by Police Act 1993 Sch 3, and amends the following Acts —

Road Traffic Act 1963 q.v.

Energy Act 1980 q.v.

Criminal Law Act 1981 q.v.

Local Government (Miscellaneous Provisions) Act 1984 q.v.]

SCHEDULE 9⁴⁹⁶

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

-
- ¹ S 1 substituted by Road Traffic (Amendment) Act 1996 s 1.
- ² S 1A inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 4.
- ³ S 2 substituted by Road Traffic (Amendment) Act 1996 s 1.
- ⁴ Subs (1) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 5.
- ⁵ Subs (2) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 5.
- ⁶ S 2A inserted by Road Traffic (Amendment) Act 1996 s 1.
- ⁷ S 2B inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 6.
- ⁸ S 2C inserted by Road Traffic and Highways (Miscellaneous Amendments) s 6.
- ⁹ S 3 substituted by Road Traffic (Amendment) Act 1996 s 2.
- ¹⁰ S 3ZA inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 7.
- ¹¹ Para (ba) inserted by Road Traffic Legislation (Amendment) Act 2021 s 4.
- ¹² S 3A substituted by Road Traffic Act 1999 s 3.
- ¹³ S 3B inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 8.
- ¹⁴ S 4 substituted by Road Traffic (Amendment) Act 2001 Sch 1 with effect from 1/11/12 on the coming into operation of regulations made under s 4 (see SD205/05 and SD595/12).
- ¹⁵ S 5 substituted by Road Traffic Act 1999 s 1.
- ¹⁶ S 5A inserted by Road Traffic Act 1999 s 1.
- ¹⁷ S 5AA inserted by Road Traffic Legislation (Amendment) Act 2021 s 5.
- ¹⁸ S 5B heading substituted by Road Traffic Legislation (Amendment) Act 2021 s 6.
- ¹⁹ Subs (1) amended by Road Traffic Legislation (Amendment) Act 2021 s 6.
- ²⁰ Subs (2) amended by Road Traffic Legislation (Amendment) Act 2021 s 6.
- ²¹ Subs (4) amended by Road Traffic Legislation (Amendment) Act 2021 s 6.
- ²² Para (a) amended by Road Traffic Legislation (Amendment) Act 2021 s 6.
- ²³ Para (b) amended by Road Traffic Legislation (Amendment) Act 2021 s 6.
- ²⁴ Subs (8) amended by Road Traffic Legislation (Amendment) Act 2021 s 6.
- ²⁵ Subs (9) repealed by Road Traffic Legislation (Amendment) Act 2021 s 6.
- ²⁶ S 5B inserted by Road Traffic Act 1999 s 2.
- ²⁷ S 5BA inserted by Road Traffic Legislation (Amendment) Act 2021 s 7.
- ²⁸ Subs (1) amended by Road Traffic Legislation (Amendment) Act 2021 s 8.
- ²⁹ Subs (2) substituted by Road Traffic Legislation (Amendment) Act 2021 s 8.
- ³⁰ Subs (2A) inserted by Road Traffic Legislation (Amendment) Act 2021 s 8.
- ³¹ Subs (3) substituted by Road Traffic Legislation (Amendment) Act 2021 s 8.
- ³² Subs (4) amended by Road Traffic (Amendment) Act 2006 s 1.
- ³³ Subs (4A) inserted by Road Traffic (Amendment) Act 2006 s 1.
- ³⁴ Subs (8) inserted by Road Traffic Legislation (Amendment) Act 2021 s 8.

- ³⁵ S 6 substituted by Road Traffic Act 1999 s 4.
- ³⁶ S 7 substituted by Road Traffic Legislation (Amendment) Act 2021 s 9.
- ³⁷ S 7A substituted by Road Traffic (Amendment) Act 2006 s 1.
- ³⁸ Subs (1) amended by Road Traffic Legislation (Amendment) Act 2021 s 10.
- ³⁹ Subs (2) substituted by Road Traffic Legislation (Amendment) Act 2021 s 10.
- ⁴⁰ S 7B inserted by Road Traffic Act 1999 s 4.
- ⁴¹ S 7C heading substituted by Road Traffic Legislation (Amendment) Act 2021 s 11.
- ⁴² Subs (1) substituted by Road Traffic Legislation (Amendment) Act 2021 s 11.
- ⁴³ Subs (2) substituted by Road Traffic Legislation (Amendment) Act 2021 s 11.
- ⁴⁴ Subs (3) substituted by Road Traffic Legislation (Amendment) Act 2021 s 11.
- ⁴⁵ Subs (3A) inserted by Road Traffic Legislation (Amendment) Act 2021 s 11.
- ⁴⁶ Subs (4) substituted by Road Traffic (Amendment) Act 2006 s 1.
- ⁴⁷ S 7C inserted by Road Traffic Act 1999 s 4. Subs (6) added by Road Traffic (Amendment) Act 2006 s 1.
- ⁴⁸ S 7D(1) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 53.
- ⁴⁹ Subs (1) amended by Road Traffic (Amendment) Act 2006 s 1.
- ⁵⁰ Subs (2) amended by Road Traffic (Amendment) Act 2006 s 1.
- ⁵¹ S 7D inserted by Road Traffic Act 1999 s 4.
- ⁵² S 7DA inserted by Road Traffic (Amendment) Act 2006 s 1.
- ⁵³ Subs (2) substituted by Road Traffic Legislation (Amendment) Act 2021 s 12.
- ⁵⁴ Subs (2A) inserted by Road Traffic (Amendment) Act 2006 s 1.
- ⁵⁵ Subs (4) substituted by Road Traffic (Amendment) Act 2006 s 1.
- ⁵⁶ Subs (5) repealed by Road Traffic Legislation (Amendment) Act 2021 s 12.
- ⁵⁷ S 7E inserted by Road Traffic Act 1999 s 6.
- ⁵⁸ Subs (2) amended by GC190/86 and by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 9.
- ⁵⁹ S 9 not yet in operation.
- ⁶⁰ Subs (4) amended by GC190/86.
- ⁶¹ S 11 substituted by Road Traffic (Amendment) Act 1996 s 1.
- ⁶² S 12 amended by Road Traffic (Amendment) Act 1996 Sch 2.
- ⁶³ Subs (1) amended by Road Traffic (Amendment) Act 1996 Sch 2.
- ⁶⁴ Subs (2) repealed by Road Traffic Legislation (Amendment) Act 2021 s 76.
- ⁶⁵ Subs (2) amended by GC190/86.
- ⁶⁶ Subs (5) amended by GC190/86 and by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 10.
- ⁶⁷ Para (a) amended by SD41/93.
- ⁶⁸ Subs (1) amended by GC190/86.
- ⁶⁹ Paras (b) and (c) repealed by Road Traffic (Amendment) Act 2001 Sch 3.
- ⁷⁰ Subss (1A), (1B) and (2) repealed by Road Traffic (Amendment) Act 2001 Sch 3.
- ⁷¹ Subs (3) amended by Statute Law Revision Act 1997 Sch 1, by Road Traffic (Amendment) Act 2001 s 10 and by Road Traffic (Amendment) Act 2006 s 13(2).

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- ⁷² S 18A inserted by Road Traffic (Amendment) Act 2001 s 10.
- ⁷³ S 19 amended by Road Traffic (Amendment) Act 2001 s 10.
- ⁷⁴ S 20 substituted by Road Traffic Legislation (Amendment) Act 2021 s 13.
- ⁷⁵ Subs (1) amended by GC190/86.
- ⁷⁶ Subs (2) amended by GC190/86.
- ⁷⁷ Subs (3) amended by GC190/86.
- ⁷⁸ Subs (4) amended by GC190/86.
- ⁷⁹ S 22 amended by GC190/86, by SD155/10 Sch 6, by SD2014/08 and by SD2015/0109.
- ⁸⁰ S 24 substituted by Road Traffic Legislation (Amendment) Act 2021 s 14.
- ⁸¹ Subs (1) amended by GC190/86.
- ⁸² Subs (5) substituted by Road Traffic (Amendment) Act 2006 s 14.
- ⁸³ Subs (5A) repealed by Road Traffic (Amendment) Act 2006 s 14.
- ⁸⁴ Para (a) amended by Road Traffic (Amendment) Act 2006 s 14.
- ⁸⁵ Para (b) repealed by Road Traffic (Amendment) Act 2006 s 14.
- ⁸⁶ Para (c) amended by Road Traffic (Amendment) Act 2006 s 14.
- ⁸⁷ Para (d) added by Road Traffic (Amendment) Act 2006 s 14.
- ⁸⁸ Subs (7) amended by Road Traffic (Amendment) Act 2006 s 14.
- ⁸⁹ S 25A inserted by Road Traffic (Amendment) Act 1996 s 4.
- ⁹⁰ Subs (1) amended by GC190/86.
- ⁹¹ Subs (1) amended by GC190/86.
- ⁹² Subs (2) amended by GC190/86.
- ⁹³ Subs (1) substituted by Road Traffic Legislation (Amendment) Act 2021 s 15.
- ⁹⁴ Subs (4) substituted by Road Traffic Legislation (Amendment) Act 2021 s 15.
- ⁹⁵ Subs (5) amended by Statute Law Revision Act 1989 Sch 1.
- ⁹⁶ S 28A inserted by Road Traffic (Amendment) Act 2001 s.16.
- ⁹⁷ S 29 substituted by Road Traffic Legislation (Amendment) Act 2021 s 16.
- ⁹⁸ S 30 substituted by Road Traffic Legislation (Amendment) Act 2021 s 17.
- ⁹⁹ S 31 substituted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 11.
- ¹⁰⁰ S 32 amended by GC190/86.
- ¹⁰¹ S 33 substituted by Road Traffic Legislation (Amendment) Act 2021 s 18.
- ¹⁰² S 39 repealed by Road Transport Act 2001 Sch 4.
- ¹⁰³ Subs (1) amended by GC190/86.
- ¹⁰⁴ Subs (6) amended by GC190/86 and by Transfer of Governor's Functions Act 1992 Sch 1.
- ¹⁰⁵ Subs (10) amended by GC190/86.
- ¹⁰⁶ Subs (2) amended by SD41/93.
- ¹⁰⁷ Para (b) amended by Road Traffic (Amendment) Act 2001 s 21.
- ¹⁰⁸ Subs (1) amended by SD41/93.
- ¹⁰⁹ Subs (2A) inserted by Road Traffic (Amendment) Act 2001 s 15.
- ¹¹⁰ S 46 substituted by Road Traffic Legislation (Amendment) Act 2021 s 20.
- ¹¹¹ Para (a) amended by GC190/86.

¹¹² Cross-heading inserted by Road Traffic and Highways (Miscellaneous

Provisional consolidation for reference purpose only

Amendments) Act 2012 s 12.

¹¹³ S 47A inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 12.

¹¹⁴ S 47AA inserted by Road Traffic Legislation (Amendment) Act 2021 s 21.

¹¹⁵ Subs (3) inserted by Road Traffic Legislation (Amendment) Act 2021 s 22.

¹¹⁶ S 47B inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 12.

¹¹⁷ S 47C inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 12 and substituted by Road Traffic Legislation (Amendment) Act 2021 s 23.

¹¹⁸ Definition of “contractor” amended by Road Traffic Legislation (Amendment) Act 2021 s 24 and by Statute Law Revision Act 2025 s 17.

¹¹⁹ Para (aa) inserted by SD2019/0059 with effect from 31/12/2020 at 23:00 and substituted by Road Traffic Legislation (Amendment) Act 2021 s 24.

¹²⁰ Para (b) of definition of “driving licence” amended by SD606/12.

¹²¹ Para (a) amended by Road Traffic Legislation (Amendment) Act 2021 s 24.

¹²² S 47D inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 12.

¹²³ Subs (2) substituted by Road Traffic Legislation (Amendment) Act 2021 s 25.

¹²⁴ Subs (2) amended by Road Traffic (Amendment) Act 2001 s 11.

¹²⁵ Subs (4) substituted by Road Traffic Legislation (Amendment) Act 2021 s 26.

¹²⁶ Subs (5) inserted by Road Traffic Legislation (Amendment) Act 2021 s 26.

¹²⁷ S 50 substituted by Road Traffic Legislation (Amendment) Act 2021 s 27.

¹²⁸ S 51 amended by Road Traffic Act 1989 Sch 1.

¹²⁹ Subs (6) inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 13.

¹³⁰ S 53A inserted by Road Traffic Legislation (Amendment) Act 2021 s 28.

¹³¹ S 54 amended by GC190/86 and by SD41/93.

¹³² Subs (1) substituted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 14.

¹³³ Para (aa) inserted by Statute Law Revision Act 1992 Sch 1.

¹³⁴ Subs (2) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 14.

¹³⁵ Para (a) amended by GC190/86 and by SD41/93.

¹³⁶ Subs (1) amended by GC190/86 and by SD41/93.

¹³⁷ Subs (2) substituted by Administration of Justice Act 2008 Sch 1.

¹³⁸ Subs (3) amended by GC190/86 and by SD41/93.

¹³⁹ S 58A inserted by Road Traffic (Amendment) Act 2001 s 6.

¹⁴⁰ S 60 amended by GC190/86 and by SD41/93.

¹⁴¹ S 62 amended by GC190/86.

¹⁴² Subs (1) amended by GC190/86 and by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 15.

¹⁴³ Subs (2) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 15.

- ¹⁴⁴ Subs (3) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 15.
- ¹⁴⁵ Subs (4) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 15.
- ¹⁴⁶ Subs (5) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 15.
- ¹⁴⁷ Subs (2) amended by GC190/86.
- ¹⁴⁸ Definition of “learner motor cycle” inserted by the Road Traffic (Amendment) Act 2001 Sch 1.
- ¹⁴⁹ Definition of “moped” inserted by the Road Traffic (Amendment) Act 2001 Sch 1.
- ¹⁵⁰ Subpara (i) amended by GC190/86.
- ¹⁵¹ Subs (6) amended by GC190/86.
- ¹⁵² Subs (2) amended by GC190/86.
- ¹⁵³ Subs (1) substituted by Road Traffic Legislation (Amendment) Act 2021 s 29.
- ¹⁵⁴ S 72 substituted by Road Traffic Legislation (Amendment) Act 2021 s 30.
- ¹⁵⁵ S 73 heading amended by SD606/12 and by SD2019/0059 with effect from 31/12/2020 at 23:00.
- ¹⁵⁶ Subs (1) amended by GC190/86, by SD606/12 and by SD2019/0059 with effect from 31/12/2020 at 23:00.
- ¹⁵⁷ Subs (2) amended by GC190/86.
- ¹⁵⁸ Subs (3) amended by Fines and Penalties Act 2024 Sch 5.
- ¹⁵⁹ S 73A inserted by Road Traffic Legislation (Amendment) Act 2021 s 31.
- ¹⁶⁰ S 73B inserted by Road Traffic Legislation (Amendment) Act 2021 s 31.
- ¹⁶¹ S 73C inserted by Road Traffic Legislation (Amendment) Act 2021 s 31.
- ¹⁶² S 74 heading amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 16.
- ¹⁶³ Subs (1) amended by GC190/86 and by SD41/93.
- ¹⁶⁴ Subs (1A) repealed by SD41/93.
- ¹⁶⁵ Subs (2) amended by GC190/86 and by SD41/93.
- ¹⁶⁶ Para (b) substituted by Road Traffic Legislation (Amendment) Act 2021 s 32.
- ¹⁶⁷ Subs (4) added by Road Traffic Act 1999 s 6.
- ¹⁶⁸ Subs (5) added by Road Traffic Act 1999 s 6 and amended by Road Traffic (Amendment) Act 2001 s 6.
- ¹⁶⁹ Subs (1) amended by GC190/86.
- ¹⁷⁰ Subs (2) amended by GC190/86.
- ¹⁷¹ Subs (1) amended by GC190/86.
- ¹⁷² Subs (1) amended by GC190/86.
- ¹⁷³ Subs (1) amended by GC190/86 and by Statute Law Revision Act 1989 Sch 1.
- ¹⁷⁴ S 79A inserted by Road Traffic (Amendment) Act 2001 s 9(1).
- ¹⁷⁵ Subs (3) repealed by Statute Law Revision Act 1992 Sch 2.
- ¹⁷⁶ Subs (2) amended by GC190/86.
- ¹⁷⁷ ADO (whole Act except ss 8, 9, 14, 25, in Sch 3 Part I para 6(5) to (7), in Sch 6 Part I the entries relating to ss 8(1), 9(1), 14(1) and 25(3)) 1/1/1986 (GC341/85); (s 25(5), (6) and

(7)) 1/11/1990 (GC281/90); (Sch 3 para 6(5) to (7)) 1/4/1992 (GC60/92); (s 8) 1/3/1993 (SD104/93); (s 25(1) to (4)) 1/4/1993 (SD104/93); (s 14) 1/11/1993 (SD401/93).

¹⁷⁸ Para 4 added by Road Traffic (Amendment) Act 2001 s 13.

¹⁷⁹ Para (i) amended by Road Traffic Legislation (Amendment) Act 2021 s 33.

¹⁸⁰ Para (l) inserted by Road Traffic Legislation (Amendment) Act 2021 s 33.

¹⁸¹ Subpara (1) amended by GC190/86.

¹⁸² Subpara (1A) inserted by Road Traffic Legislation (Amendment) Act 2021 s 33.

¹⁸³ Subpara (1B) inserted by Road Traffic Legislation (Amendment) Act 2021 s 33.

¹⁸⁴ Subpara (2) amended by GC190/86.

¹⁸⁵ Subpara (4) amended by GC190/86.

¹⁸⁶ Subpara (4A) inserted by Road Traffic Legislation (Amendment) Act 2021 s 33.

¹⁸⁷ Subpara (5) substituted by Road Traffic Legislation (Amendment) Act 2021 s 33.

¹⁸⁸ Subpara (7) inserted by Road Traffic Legislation (Amendment) Act 2021 s 33.

¹⁸⁹ Subpara (8) inserted by Road Traffic Legislation (Amendment) Act 2021 s 33.

¹⁹⁰ Subpara (9) inserted by Road Traffic Legislation (Amendment) Act 2021 s 33.

¹⁹¹ Subpara (3) amended by GC190/86.

¹⁹² Para 2A inserted by Road Traffic (Amendment) Act 1996 s 16.

¹⁹³ Para 2B inserted by Road Traffic (Amendment) Act 1996 s 16.

¹⁹⁴ Subpara (1) amended by GC190/86.

¹⁹⁵ Subpara (2) amended by GC190/86.

¹⁹⁶ Subpara (3) substituted by Road Traffic (Amendment) Act 2001 s 12.

¹⁹⁷ Subpara (4) amended by GC190/86.

¹⁹⁸ Subpara (1) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 17.

¹⁹⁹ Subpara (1A) inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 17.

²⁰⁰ Subpara (1B) inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 17.

²⁰¹ Subpara (3A) inserted by Road Traffic (Amendment) Act 1996 s 15.

²⁰² Subpara (3B) inserted by Road Traffic (Amendment) Act 1996 s 15.

²⁰³ Subpara (6) amended by GC190/86.

²⁰⁴ Subpara (1) amended by GC190/86.

²⁰⁵ Subpara (6) amended by GC190/86.

²⁰⁶ Subpara (8) amended by GC190/86.

²⁰⁷ Subpara (1) amended by GC190/86.

²⁰⁸ Para 6A inserted by Road Traffic Act 1989 s 6.

²⁰⁹ Para 6B inserted by Road Traffic Act 1989 s 6.

²¹⁰ Para 6C inserted by Road Traffic Act 1989 s 6.

²¹¹ Para 6CA inserted by Road Traffic (Amendment) Act 2001 s 13.

²¹² Para 6D repealed by Road Transport Act 2001 Sch 4.

²¹³ Para 6E inserted by Road Traffic (Amendment) Act 1996 s 13.

²¹⁴ Para 6F inserted by Road Traffic (Amendment) Act 1996 s 13.

²¹⁵ Para 6FA inserted by Road Traffic (Amendment) Act 2001 s 11.

- ²¹⁶ Para 6G inserted by Road Traffic (Amendment) Act 1996 s 13.
- ²¹⁷ Para 6GA inserted by Road Traffic (Amendment) Act 2001 s 11.
- ²¹⁸ Para 6H inserted by Road Traffic (Amendment) Act 1996 s 14.
- ²¹⁹ Subpara (1) amended by Road Traffic (Amendment) Act 2001 s 14 and by Road Traffic Legislation (Amendment) Act 2021 s 33.
- ²²⁰ Para 6I inserted by Road Traffic (Amendment) Act 1996 s 15.
- ²²¹ Para (a) amended by Road Transport Act 2001 Sch 3.
- ²²² Para 6J inserted by Road Traffic (Amendment) Act 1996 s 15. Definition of “public passenger vehicle” (previously “public service vehicle”) substituted by Road Transport Act 2001 Sch 3.
- ²²³ Para 6K inserted by Road Traffic (Amendment) Act 2001 s 14.
- ²²⁴ Subpara (1) amended by GC190/86.
- ²²⁵ Subpara (1) amended by GC190/86.
- ²²⁶ Para 9A inserted by Road Traffic Act 1989 s 6.
- ²²⁷ Definition of “authorised examiner” amended by GC190/86 and by Statute Law Revision Act 1989 Sch 1.
- ²²⁸ Subpara (1) amended by Road Traffic (Amendment) Act 2001 Sch 1 and by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²²⁹ Subpara (2) amended by Road Traffic (Amendment) Act 2001 Sch 1 and by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²³⁰ Subpara (4) added by Road Traffic (Amendment) Act 2001 Sch 1.
- ²³¹ Subpara (5) added by Road Traffic (Amendment) Act 2001 Sch 1.
- ²³² Item (a) amended by Road Traffic (Amendment) Act 2001 Sch 3.
- ²³³ Item (d) amended by Road Traffic Act 1989 s 8.
- ²³⁴ Subpara (1) amended by GC69/86 and by SD41/93.
- ²³⁵ Item (a) substituted by Road Traffic (Amendment) Act 2001 Sch 1.
- ²³⁶ Subpara (2) amended by GC190/86.
- ²³⁷ Subpara (2A) inserted by Road Traffic (Driving Courses) Act 1990 Sch1 and substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²³⁸ Subpara (2B) inserted by Road Traffic (Amendment) Act 2001 Sch 1.
- ²³⁹ Subpara (2C) inserted by Road Traffic (Amendment) Act 2001 Sch 1 and amended by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁴⁰ Subpara (2D) inserted by Road Traffic (Amendment) Act 2001 Sch 1 and amended by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁴¹ Subpara (2E) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁴² Subpara (2F) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁴³ Subpara (3) amended by GC190/86.
- ²⁴⁴ Subpara (6) substituted by Road Traffic Act 1989 s 8.
- ²⁴⁵ Subpara (a) amended by GC190/86.
- ²⁴⁶ Subpara (d) amended by GC190/86.
- ²⁴⁷ Para 4A inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁴⁸ Para 4B inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁴⁹ Item (a) amended by SD41/93.

- ²⁵⁰ Item (b) amended by SD41/93 and by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁵¹ Item (c) amended by Road Traffic Legislation (Amendment) Act 2021 s 34
- ²⁵² Subpara (1) amended by Road Traffic (Excess Alcohol) Act 1991 s 2, by SD41/93 and by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁵³ Item (b) amended by SD41/93 and by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁵⁴ Item (a) amended by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁵⁵ Subpara (3) amended by SD41/93.
- ²⁵⁶ Subpara (4) substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁵⁷ Subpara (5) substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁵⁸ Subpara (6) substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁵⁹ Subpara (7) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁶⁰ Item (a) amended by SD41/93 and by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁶¹ Item (b) amended by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁶² Subpara (1) amended by SD41/93.
- ²⁶³ Subpara (2) amended by SD41/93.
- ²⁶⁴ Subpara (3) amended by SD41/93.
- ²⁶⁵ Subpara (4) repealed by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁶⁶ Para 5A inserted by Road Traffic (Amendment) Act 1991 s 1.
- ²⁶⁷ Item (a) amended by SD41/93.
- ²⁶⁸ Subitem (i) amended by SD41/93.
- ²⁶⁹ Subitem (ii) amended by Road Traffic (Amendment) Act 2001 Sch 1 and by Road Traffic (Amendment) Act 2015 s 4.
- ²⁷⁰ Subitem (iii) inserted by Road Traffic (Amendment) Act 2015 s 4.
- ²⁷¹ Item (aa) inserted by Road Traffic (Amendment) Act 1991 s 2 and amended by SD41/93.
- ²⁷² Item (ab) inserted by Road Traffic (Amendment) Act 2001 Sch 1.
- ²⁷³ Item (b) amended by SD41/93.
- ²⁷⁴ Subpara (1) amended by SD41/93.
- ²⁷⁵ Subpara (1A) inserted by Road Traffic (Amendment) Act 2001 Sch 1.
- ²⁷⁶ Subpara (2) substituted by Road Traffic (Amendment) Act 1996 s 6.
- ²⁷⁷ Subparas (2A) and (2B) repealed by Road Traffic (Amendment) Act 2001 Sch 3.
- ²⁷⁸ Subpara (2C) inserted by Road Traffic (Amendment) Act 1996 s 6 and substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁷⁹ Subpara (2CA) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁸⁰ Subpara (2D) inserted by Road Traffic (Amendment) Act 1996 s 6 and amended by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁸¹ Item (c) substituted by Road Traffic (Amendment) Act 2001 Sch 1.
- ²⁸² Subpara (2E) inserted by Road Traffic (Amendment) Act 1996 s 6. Item (d) added by Road Traffic (Amendment) Act 2001 Sch 1.
- ²⁸³ Subpara (2F) inserted by Road Traffic (Amendment) Act 1996 s 6.

- ²⁸⁴ Subpara (3) repealed by Road Traffic (Amendment) Act 2001 Sch 3.
- ²⁸⁵ Item (a) substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ²⁸⁶ Subpara (3A) substituted by Road Traffic (Amendment) Act 2001 Sch 1.
- ²⁸⁷ Subpara (3AA) inserted by Road Traffic (Amendment) Act 2001 Sch 1.
- ²⁸⁸ Subpara (3B) repealed by Road Traffic (Amendment) Act 2015 s 4.
- ²⁸⁹ Subpara (3C) repealed by Road Traffic (Amendment) Act 2015 s 4.
- ²⁹⁰ Subpara (4) substituted by Road Traffic (Amendment) Act 2015 s 4.
- ²⁹¹ Subpara (4A) inserted by Road Traffic (Amendment) Act 2015 s 4.
- ²⁹² Subpara (4B) inserted by Road Traffic (Amendment) Act 2015 s 4.
- ²⁹³ Subpara (4C) inserted by Road Traffic (Amendment) Act 2015 s 4.
- ²⁹⁴ Subpara (4D) inserted by Road Traffic (Amendment) Act 2015 s 4.
- ²⁹⁵ Item (b) amended by Road Traffic (Amendment) Act 1996 s 6 and by Road Traffic (Amendment) Act 2015 s 4.
- ²⁹⁶ Subpara (5) amended by Road Traffic (Amendment) Act 1996 s 6.
- ²⁹⁷ Subpara (6) amended by SD41/93.
- ²⁹⁸ Subpara (7) repealed by Road Traffic (Amendment) Act 1996 s 6.
- ²⁹⁹ Item (b) amended by SD41/93.
- ³⁰⁰ Subpara (8) amended by SD41/93.
- ³⁰¹ Subpara (9) substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁰² Subpara (10) repealed by Road Traffic (Amendment) Act 2001 Sch 3.
- ³⁰³ New subpara (1) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁰⁴ Para 6A inserted by Road Traffic (Amendment) Act 1996 s 6 and amended by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁰⁵ Subpara (1) amended by Road Traffic (Amendment) Act 2006 s 2 with saving and by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁰⁶ Subpara (1A) inserted by Road Traffic (Amendment) Act 2006 s 2 with saving.
- ³⁰⁷ Subpara (1B) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁰⁸ Subpara (1C) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁰⁹ Subpara (1D) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³¹⁰ Item (a) amended by Road Traffic (Amendment) Act 2006 s 2 with saving.
- ³¹¹ Subpara (3A) inserted by Road Traffic (Amendment) Act 2006 s 2 with saving.
- ³¹² Subpara (5) amended by Road Traffic (Amendment) Act 2006 s 2 with saving.
- ³¹³ Item (b) substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³¹⁴ Subpara (6) amended by Road Traffic (Amendment) Act 2006 s 2 with saving.
- ³¹⁵ Para 6B inserted by Road Traffic (Amendment) Act 1996 s 8.
- ³¹⁶ Para 6C inserted by Road Traffic (Amendment) Act 1996 s 8, substituted by Road Traffic (Amendment) Act 2006 s 2 with saving and amended by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³¹⁷ Para 6D inserted by Road Traffic (Amendment) Act 2006 s 2 with saving.
- ³¹⁸ Item (a) substituted by Road Traffic (Amendment) Act 1991 s 1.
- ³¹⁹ Item (aa) inserted by Road Traffic (Amendment) Act 1991 s 1.
- ³²⁰ Item (b) substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³²¹ Item (d) amended by SD41/93.

- ³²² Subpara (2) amended by SD41/93.
- ³²³ Item (a) amended by SD41/93.
- ³²⁴ Subpara (3) amended by SD41/93.
- ³²⁵ Subpara (1) amended by SD41/93 and by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³²⁶ Para 9 substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³²⁷ Cross-heading substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³²⁸ Subpara (1) amended by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³²⁹ Subpara (2) repealed by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³³⁰ Cross-heading inserted by Road Traffic (Amendment) Act 2015 s 4.
- ³³¹ Item (c) amended by Manx Care Act 2021 Sch 5 and by Statute Law Revision Act 2025 s 17.
- ³³² Para 10A inserted by Road Traffic (Amendment) Act 2015 s 4.
- ³³³ Subpara (1) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 18.
- ³³⁴ Item (b) amended by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³³⁵ Subpara (1A) inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 18.
- ³³⁶ Subpara (3) substituted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 18 and amended by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³³⁷ Subpara (3A) substituted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 18.
- ³³⁸ Subpara (3B) inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 18.
- ³³⁹ Subpara (3C) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁴⁰ Subpara (5) amended by SD41/93, by Road Traffic (Amendment) Act 1996 s 9 (as amended) and by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 18.
- ³⁴¹ Subpara (5A) substituted by Statute Law Revision Act 1997 Sch 1 and amended by Statute Law Revision Act 2025 s 17.
- ³⁴² Item (d) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 18.
- ³⁴³ Subpara (5B) inserted by Road Traffic (Amendment) Act 1996 s 9.
- ³⁴⁴ Subpara (6) substituted by Road Traffic Act 1999 s 5.
- ³⁴⁵ Subpara (7) added by Road Traffic Act 1999 s 5 and amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 18.
- ³⁴⁶ Subpara (8) added by Road Traffic Act 1999 s 5.
- ³⁴⁷ Subpara (1) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 18.
- ³⁴⁸ Subpara (2A) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁴⁹ Subpara (2B) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁵⁰ Subpara (2C) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁵¹ Subpara (2D) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.

- ³⁵² Subpara (2E) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁵³ Subpara (2F) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁵⁴ Subpara (5) substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁵⁵ Subpara (6) substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁵⁶ Subpara (1) amended by Road Traffic (Excess Alcohol) Act 1991 s 3.
- ³⁵⁷ Para 15 substituted by Road Traffic (Amendment) Act 2001 Sch 1 with effect from 1/11/12 on the coming into operation of regulations made under s 4 (see SD205/05 and SD595/12).
- ³⁵⁸ Subpara (4) amended by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁵⁹ Subpara (8) substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁶⁰ Subpara (9) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁶¹ Subpara (1) amended by Summary Jurisdiction Act 1989 Sch 5.
- ³⁶² Subpara (2) substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁶³ Subpara (2A) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁶⁴ Subpara (2B) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁶⁵ Subpara (3) amended by SD41/93.
- ³⁶⁶ Para 21A inserted by Road Traffic (Amendment) Act 1996 s 10.
- ³⁶⁷ Cross-heading substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁶⁸ Subpara (1) amended by SD41/93 and by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁶⁹ New subpara (2) inserted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁷⁰ Subpara (2) repealed by SD41/93.
- ³⁷¹ Para 23 substituted by Road Traffic Legislation (Amendment) Act 2021 s 34.
- ³⁷² Para 1 amended by GC190/86.
- ³⁷³ Subpara (1) amended by GC190/86.
- ³⁷⁴ Subpara (1) amended by Road Traffic (Amendment) Act 2006 s 3 and by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ³⁷⁵ Item (a) substituted by Road Traffic Legislation (Amendment) Act 2021 s 35.
- ³⁷⁶ Subpara (2) substituted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ³⁷⁷ Subpara (5) repealed by Road Traffic Legislation (Amendment) Act 2021 s 35.
- ³⁷⁸ Subpara (6) added by Road Traffic (Amendment) Act 2006 s 3.
- ³⁷⁹ Subpara (7) added by Road Traffic (Amendment) Act 2006 s 3.
- ³⁸⁰ Subpara (8) added by Road Traffic (Amendment) Act 2006 s 3.
- ³⁸¹ Cross-heading amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ³⁸² Subpara (1) substituted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ³⁸³ Subpara (2)(a) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ³⁸⁴ Item (b) amended by GC120/86.
- ³⁸⁵ Cross-heading inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.

- ³⁸⁶ Paragraph 4A inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ³⁸⁷ Item (a) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ³⁸⁸ Subpara (2) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ³⁸⁹ Subpara (4) substituted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s. 19.
- ³⁹⁰ Item (b) amended by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ³⁹¹ Subpara (1) amended by GC190/86.
- ³⁹² Subpara (1) substituted by Road Traffic (Amendment) Act 2006 s 4.
- ³⁹³ Subpara (2) substituted by Road Traffic (Amendment) Act 2006 s 4.
- ³⁹⁴ Subpara (2A) inserted by Road Traffic (Amendment) Act 2006 s 4.
- ³⁹⁵ Subpara (2B) inserted by Road Traffic (Amendment) Act 2006 s 4.
- ³⁹⁶ Para 9 substituted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ³⁹⁷ Opening words of subpara (1) and item (a) substituted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s. 19.
- ³⁹⁸ Item (d) substituted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ³⁹⁹ Item (e) amended by GC190/86.
- ⁴⁰⁰ Subpara (2) substituted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ⁴⁰¹ Subpara (2A) inserted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ⁴⁰² Para 11 amended by GC190/86. Para (c) added by Road Traffic (Amendment) Act 2006 s 4.
- ⁴⁰³ Subpara (1) amended by GC190/86.
- ⁴⁰⁴ Subpara (2) amended by GC190/86.
- ⁴⁰⁵ 1974/10/17
- ⁴⁰⁶ Para 16 amended by Interpretation Act 2015 s 106.
- ⁴⁰⁷ Paras 17 to 19 repealed by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 19.
- ⁴⁰⁸ Subpara (1) amended by Road Traffic (Amendment) Act 2001 s 21.
- ⁴⁰⁹ Subpara (1) amended by Treasury Act 1985 s 7 and by Road Traffic (Amendment) Act 1996 s 11.
- ⁴¹⁰ Para (1A) inserted by Road Traffic (Amendment) Act 1996 s 11.
- ⁴¹¹ Item (b) amended by GC120/86.
- ⁴¹² Item (a) substituted by Road Traffic Act 1989 Sch 4 and amended by Road Traffic (Amendment) Act 2001 s 21.
- ⁴¹³ Item (aa) inserted by SD97/94 and amended by SD0606/12, by SD2019/0059 with effect from 31/12/2020 at 23:00 and by Statute Law Revision Act 2025 s 17.

- ⁴¹⁴ Subitem (i) added by SD97/94 and amended by SD2019/0059 with effect from 31/12/2020 at 23:00 and by Statute Law Revision Act 2025 s 17.
- ⁴¹⁵ Subitem (ii) added by SD97/94.
- ⁴¹⁶ Item (b) amended by SD97/94, by SD0606/12, by SD2019/0059 with effect from 31/12/2020 at 23:00 and by Statute Law Revision Act 2025 s 17.
- ⁴¹⁷ Subpara (4) substituted by Road Traffic Act 1989 Sch 4.
- ⁴¹⁸ Subpara (4A) inserted by SD97/94.
- ⁴¹⁹ Subpara (5) repealed by Road Traffic Legislation (Amendment) Act 2021 s 36.
- ⁴²⁰ Subpara (7) amended by GC41/93.
- ⁴²¹ Subpara (2) amended by Treasury Act 1985 s 7.
- ⁴²² Item (a) amended by Road Transport Act 2001 Sch 3.
- ⁴²³ Subpara (4) amended by Road Traffic (Amendment) Act 2001 s 21.
- ⁴²⁴ Subpara (5) amended by GC69/86 and by SD41/93.
- ⁴²⁵ Subpara (1) amended by Road Traffic Legislation (Amendment) Act 2021 s 36.
- ⁴²⁶ Subpara (3) repealed by Road Traffic Legislation (Amendment) Act 2021 s 36.
- ⁴²⁷ Subpara (4) repealed by Road Traffic Act 1989 s 4.
- ⁴²⁸ Subpara (5) amended by SD41/93.
- ⁴²⁹ Subpara (8) added by Road Traffic (Amendment) Act 1986 s 1 and amended by Road Transport Act 2001 Sch 3.
- ⁴³⁰ Subpara (9) added by Road Traffic (Amendment) Act 1986 s 1.
- ⁴³¹ Subpara (1) substituted by Road Traffic Act 1989 Sch 4.
- ⁴³² Subpara (1A) inserted by Road Traffic Act 1989 Sch 4.
- ⁴³³ Subpara (1B) inserted by Road Traffic Act 1989 Sch 4.
- ⁴³⁴ Subpara (1C) inserted by Road Traffic Act 1989 Sch 4.
- ⁴³⁵ Subpara (1D) inserted by Road Traffic Act 1989 Sch 4.
- ⁴³⁶ Subpara (1E) inserted by Road Traffic Act 1989 Sch 4.
- ⁴³⁷ Item (c) amended by Road Traffic Act 1989 Sch 4.
- ⁴³⁸ Subpara (4A) inserted by Road Traffic Act 1989 Sch 4.
- ⁴³⁹ Subpara (4B) inserted by Road Traffic Act 1989 Sch 4.
- ⁴⁴⁰ Subpara (b) amended by Statute Law Revision Act 1997 Sch 1.
- ⁴⁴¹ Subpara (1) amended by Statute Law Revision Act 1989 Sch 1.
- ⁴⁴² Subpara (2) amended by Statute Law Revision Act 1989 Sch 1.
- ⁴⁴³ Item (b) amended by SD41/93.
- ⁴⁴⁴ Para 11 amended by SD41/93.
- ⁴⁴⁵ Para 11A inserted by Road Traffic Act 1989 Sch 4 and amended by SD41/93.
- ⁴⁴⁶ Para 12 substituted by Road Traffic Legislation (Amendment) Act 2021 s 36.
- ⁴⁴⁷ Part I amended by Summary Jurisdiction Act 1986 s 6, by Road Traffic Act 1989 ss 4, 5, 6 and 7, by Road Traffic (Amendment) Act 1991 s 1, by Road Traffic (Amendment) Act 1996 ss 1, 2, 4, 6, 8, 12, 13, 15 and Sch 2, by Road Traffic Act 1999 s 6, by Road Traffic (Amendment) Act 2001 ss 11 and 15 and Sch 1, by Road Transport Act 2001 Sch 4, by Road Traffic (Amendment) Act 2001 s16 and Sch 1, by Road Traffic (Amendment) Act 2006 ss 1(8) and 6, by Road Traffic and Highways (Miscellaneous Amendments)

Act 2012 s 21, by Summary Jurisdiction and Miscellaneous Amendments Act 2013 s 13 and by Fines and Penalties Act 2024 Sch 2, 3, 4 and 5.

Entry relating to s 9(1) not yet in operation.

⁴⁴⁸ Entry relating to section 4(3B) repealed by Statute Law Revision Act 2021 s 30.

⁴⁴⁹ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁵⁰ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁵¹ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁵² Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁵³ Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁵⁴ Entry amended by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁵⁵ Entry amended by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁵⁶ Whole entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁵⁷ Whole entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁵⁸ Whole entry repealed by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁵⁹ Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁶⁰ Whole entry repealed by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁶¹ Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁶² Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁶³ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁶⁴ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁶⁵ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁶⁶ Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁶⁷ Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁶⁸ Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁶⁹ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁷⁰ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁷¹ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁷² Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁷³ Entry amended by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁷⁴ Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁷⁵ Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁷⁶ Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁷⁷ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁷⁸ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁷⁹ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁸⁰ Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁸¹ Whole entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁸² Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁸³ Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁸⁴ Whole entry repealed by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁸⁵ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁸⁶ Whole entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁸⁷ Whole entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁸⁸ Entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁸⁹ Whole entry repealed by Road Traffic Legislation (Amendment) Act 2021 s 37.

⁴⁹⁰ Item 3A inserted by Road Traffic (Amendment) Act 1991 s 7.

⁴⁹¹ Part IV substituted by Road Traffic and Highways (Miscellaneous Amendments) Act 2012 s 21.

⁴⁹² Whole entry substituted by Road Traffic Legislation (Amendment) Act 2021 s 38.

⁴⁹³ Whole entry inserted by Road Traffic Legislation (Amendment) Act 2021 s 38.

⁴⁹⁴ Para 3 amended by Road Traffic Legislation (Amendment) Act 2021 s 38.

⁴⁹⁵ Subpara (3) amended by GC190/86.

⁴⁹⁶ Sch 9 repealed by Statute Law Revision Act 1992 Sch 2.