



Isle of Man

Ellan Vannin

AT 32 of 2001

ROAD TRAFFIC (AMENDMENT) ACT 2001



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**Isle of Man***Ellan Vannin*

ROAD TRAFFIC (AMENDMENT) ACT 2001

Received Royal Assent: 15 October 2001
Passed: 15 October 2001
Commenced: See endnotes

AN ACT to amend the *Road Traffic Act 1985*, the *Road Traffic Regulation Act 1985*, the *Licensing and Registration of Vehicles Act 1985* and the *Highways Act 1986*.

Road traffic regulation

1 [Amends Road Traffic Regulation Act 1985]

- (1) [Amends section 1 of the *Road Traffic Regulation Act 1985* by inserting subsection (3D).]
- (2) [Inserts section 2A in the *Road Traffic Regulation Act 1985*.]

2 [Amends Road Traffic Regulation Act 1985]

- (1) [Inserts section 3A in the *Road Traffic Regulation Act 1985*.]
- (2) [Amends section 4A of the *Road Traffic Regulation Act 1985* by inserting the expression “or 3A” after the expression “section 3”.]
- (3) [Amends Schedule 4 to the *Road Traffic Regulation Act 1985* by inserting the entries relating to “Section 3A(10)” and “Section 3A(11)”.]

3 [Amends Road Traffic Regulation Act 1985]

[Amends section 23 of the *Road Traffic Regulation Act 1985* by inserting subsection (2A).]

4 [Amends Road Traffic Regulation Act 1985]

- (1) [Amends section 28 of the *Road Traffic Regulation Act 1985* by inserting subsections (6A) and (6B).]
- (2) [Amends section 33 of the *Road Traffic Regulation Act 1985* by inserting subsection (4A).]

- (3) [Amends Schedule 4 to the *Road Traffic Regulation Act 1985* by inserting entry relating to “Section 28(6A)”.]

5 Fixed penalties

- (1) [Inserts section 33A in the *Road Traffic Regulation Act 1985*.]
- (2) In Schedule 5A to that Act, the table of fixed penalty offences shall be deemed always to have included a reference to an offence under section 14B(1) of that Act (parking etc. in contravention of designation order).

6 Amendments

- (1) [Inserts section 58A in the *Road Traffic Act 1985*.]
- (2) [Amends section 74 of the *Road Traffic Act 1985*, as follows: paragraph (a) inserts in subsection (3)(b) the expression “section 58A(3),” after the expression “24(8),”; and paragraph (b) inserts in subsection (5) the expression “section 58A(1)(a)” after the expression “6(1)(a)”.]
- (3) [Inserts section 32A in the *Highways Act 1986*.]

7 [Amends Road Traffic Regulation Act 1985]

[Amends section 39(3) of the *Road Traffic Regulation Act 1985* as follows: paragraph (a) substitutes the expression “7, 9 or 15” for the expression “9 or 15”; and paragraph (b) substitutes the expression “25, 28 or 64” for the expression “28 or 64”.]

8 [Amends Road Traffic Regulation Act 1985]

[Amends section 9 of the *Road Traffic Regulation Act 1985* as follows: paragraph (a) substitutes in subsection (1) the words “a person is crossing” for the words from “children” to “crossing”; paragraph (b) substitutes subsection (2)(a); and paragraph (c) omits in subsection (4) the words from “and (c)” onwards.]

Parking

9 [Amends Road Traffic Regulation Act 1985]

- (1) [Inserts section 79A in the *Road Traffic Act 1985*.]
- (2) [Amends section 74(3)(b) of the *Road Traffic Act 1985* by inserting the expression “section 79A(1),” after the expression “section 58A(3),”.]

10 [Amends Road Traffic Regulation Act 1985]

- (1) [Inserts section 18A in the *Road Traffic Act 1985*.]

- (2) [Amends section 18(3) of the *Road Traffic Act 1985* by inserting the expression “and section 18A” after the words “This section”.]
- (3) [Amends section 19 of the *Road Traffic Act 1985* by substituting the words “involve a danger of injury” for the words “be likely to cause danger”.]

Motor vehicles and trailers

11 [Amends Road Traffic Regulation Act 1985]

- (1) [Amends Schedule 2 to the *Road Traffic Act 1985* by inserting paragraph 6FA.]
- (2) [Amends Schedule 2 to the *Road Traffic Act 1985* by inserting paragraph 6GA.]
- (3) [Amends Part I of Schedule 6 to the *Road Traffic Act 1985* by inserting the entry relating to Schedule 2, paragraph 6FA(3).]
- (4) [Amends section 48(2) of the *Road Traffic Act 1985* by inserting paragraphs (aa) and (ab).]
- (5) [Amends section 49(2) of the *Road Traffic Act 1985*, by substituting the expression “paragraph 1, 6E or 6FA” for the expression “paragraph 4”.]

12 [Amends Road Traffic Regulation Act 1985]

[Amends Schedule 2 to the *Road Traffic Act 1985* by substituting paragraph 3(3).]

13 [Amends Road Traffic Regulation Act 1985]

- (1) [Amends Schedule 1 to the *Road Traffic Act 1985* by adding paragraph 4.]
- (2) [Amends Schedule 2 to the *Road Traffic Act 1985* inserting paragraph 6CA.]

14 [Amends Road Traffic Regulation Act 1985]

- (1) [Amends paragraph 6I of Schedule 2 to the *Road Traffic Act 1985*, by inserting the expression “or under regulations made under section 13 of the *Licensing and Registration of Vehicles Act 1985*” after the expression “any test, inspection or examination of a motor vehicle under this Part”.]
- (2) [Inserts paragraph 6K in Schedule 2 to the *Road Traffic Act 1985*.]

15 [Amends Road Traffic Regulation Act 1985]

- (1) [Amends section 43 of the *Road Traffic Act 1985* by inserting subsection (2A).]
- (2) [Amends Part I of Schedule 6 to the *Road Traffic Act 1985* by inserting the entry relating to “Section 43(2A)”.]

16 [Amends Road Traffic Act 1985]

- (1) [Inserts section 28A in the *Road Traffic Act 1985*.]
- (2) [Amends Part 1 of Schedule 6 to the *Road Traffic Act 1985* by inserting entry in table.]

*Driver licensing***17 Driving tests and licences**

The amendments of the *Road Traffic Act 1985* set out in Schedule 1 shall have effect with respect to driving tests and licences.

*Vehicle licensing and registration***18 Vehicle licensing and registration**

- (1) The *Licensing and Registration of Vehicles Act 1985* is amended as follows.
- (2) [Amends section 13(1) of the *Licensing and Registration of Vehicles Act 1985* as follows: paragraph (a) amends paragraph (c) by substituting the words “construction, equipment and condition” for the words “construction and equipment”; and paragraph (b) inserts paragraph (ca).]
- (3) [Amends section 13 of the *Licensing and Registration of Vehicles Act 1985* by substituting subsections (2), (3), (4), (5) and (6) for subsection (2).]
- (4) [Amends section 14(2) of the *Licensing and Registration of Vehicles Act 1985* by substituting paragraph (b).]

19 Registration of trailers

- (1) *The Licensing and Registration of Vehicles Act 1985 is further amended as follows.*
- (2) *In section 11 (registration marks) —*
 - (a) *in subsection (1), omit “(other than a trailer)”;* and
 - (b) *after subsection (2) insert —*
 - “*(3) This section does not apply to a trailer of a prescribed class or description.*”.
- (3) *In section 12 (display of registration marks), after subsection (3) insert —*
 - “*(3A) In relation to a trailer —*
 - (a) *references in this section to the driver shall be construed as references to the driver of the vehicle by which the trailer is being drawn; and*

(b) references to the driving of a vehicle shall be construed as references to the drawing of the trailer.”

(4) In section 13(1) (regulations) —

- (a) in paragraph (a), (g) and (j), omit “(other than trailers)”; and
- (b) in paragraph (b), omit “(except in respect of trailers)”.¹

20 [Inserts section 12A in the Licensing and Registration of Vehicles Act 1985]

Motor insurance

21 [Amends Road Traffic Act 1985]

- (a) [Amends section 20(1) of the *Road Traffic Act 1985* by inserting the words “or other public place” after the words “on a road” and by inserting in paragraph (c) the words “or place” after the word “road”.]
- (b) [Amends section 43(1)(b) of the *Road Traffic Act 1985* by inserting the words “or other public place” after the words “on a road”.]
- (c) [Amends paragraphs 1(1), 3(3)(a) and 4(4) of Schedule 5 to the *Road Traffic Act 1985* by inserting the words “or other public place” after the words “on a road”.]

Highways

22 [Inserts section 2A in the Highways Act 1986]

23 [Amends section 2 of the Highways Act 1986, by inserting subsections (4A) to (4G)]

24 [Amends Highways Act 1986]

[Amends section 40 of the *Highways Act 1986* as follows: subsection (2) inserts paragraph (da) in subsection (1); and subsection (3) inserts subsections (1A), (1B) and (1C).]

25 [Inserts section 48A in the Highways Act 1986]

26 [Amends Highways Act 1986]

- (1) [Inserts paragraph (g) in section 53(2) of the *Highways Act 1986*.]
- (2) [Amends section 55 of the *Highways Act 1986*]

- (a) [Inserts subsections (1A) and (1B) in section 55 of the *Highways Act 1986*.]
- (b) [Substitutes subsection (4) in section 55 of the *Highways Act 1986*.]
- (3) [Amends section 64 of the *Highways Act 1986* by substituting subsection (2) and inserting subsection (2A).]
- (4) [Amends section 65 of the *Highways Act 1986* by inserting subsection (5).]

27 [Inserts section 55A in the Highways Act 1986]

28 *Road works code*

- (1) *Schedule 4 to the Highways Act 1986 (the road works code) is amended as follows.*
- (2) *After paragraph 2 insert —*

“Directions as to timing of works

- 2A. (1) *If it appears to the Department —*
 - (a) *that proposed road works are likely to cause serious disruption to traffic, and*
 - (b) *that the disruption would be avoided or reduced if the works were carried out only at certain times,*

the Department may give the undertakers such directions as may be appropriate as to the times when the works may or may not be carried out.

 - (2) *The procedure for giving a direction under sub-paragraph (1) shall be prescribed by regulations.*
 - (3) *If the undertakers execute works in contravention of a direction under sub-paragraph (1), they shall be guilty of an offence.*
 - (4) *Nothing in this paragraph applies to emergency works.”.*
- (3) *After paragraph 9 insert —*

“Code of practice

- 10. (1) *The Department may, after consultation with any undertakers appearing to it to be affected, issue or approve for the purposes of this paragraph a code of practice giving practical guidance as to —*
 - (a) *the carrying out by undertakers of road works; and*
 - (b) *the arrangements to be made by undertakers for controlling traffic on a highway or bridge during the carrying out of road works.*

- (2) *A code of practice issued or approved under sub-paragraph (1) shall be laid before Tynwald.*
- (3) *A failure on the part of undertakers to observe any provision of a code of practice issued or approved under sub-paragraph (1) shall not of itself render them liable to any proceedings, but in any proceedings before a court or arbitrator —*
 - (a) *any such code shall be admissible in evidence, and*
 - (b) *any provision of the code which appears to the court or arbitrator to be relevant to any question arising in the proceedings shall be taken into account in determining that question.”²*

29 [Amends Highways Act 1986]

- (1) [Inserts section 73A in the *Highways Act 1986*.]
- (2) [Amends section 83(1) of the *Highways Act 1986* by substituting the expression “71(1), 72(5) or 73A(2)” for the expression “71(1) or 72(5)”.]

30 *Provision of cafes, kiosks etc in highways*³

- (1) *For section 78 of the Highways Act 1986 substitute —*

“78 *Provision of cafes, kiosks etc. in highways*

- (1) *The Department may, subject to the provisions of this section, grant a licence to any person —*
 - (a) *to provide on any part of a highway facilities for refreshment, and for that purpose to place there any necessary furniture; or*
 - (b) *to place on any part of a highway kiosks, showcases or other similar structures for the sale of articles, the display of articles for sale or the display of posters.*
- (2) *No facilities shall be provided, and no furniture or structure shall be placed, in a highway in pursuance of a licence under this section so as —*
 - (a) *to obstruct a carriageway forming part of the highway;*
 - (b) *to prevent access to any land or premises or any other highway from the highway;*
 - (c) *to prevent the passage of pedestrians along any footway forming part of the highway;*
 - (d) *to prevent the Department from carrying out any works of maintenance of the highway; or*
 - (e) *to prevent statutory undertakers from having access to any apparatus of theirs under, in, on, over, along or across the highway, or to interfere with any such apparatus.*
- (2) *In this section and section 78A —*

“the licensee” means the person to whom a licence under this section is granted, and includes a person to whom such a licence is assigned or the owner for the time being of premises to which such a licence is annexed pursuant to section 78A(3)(a) or (b), as the case may be;

“statutory undertakers” includes the body exercising any functions under Parts 1 and 2 of the Sewerage Act 1999.⁴

78A Provision of cafes, kiosks etc - supplemental(0)

(1) *Subject to subsection (2), a licence under section 78 shall include such conditions as the Department may consider appropriate.*

(2) *No fine, rent or other sum of money shall be payable in respect of a licence under this section except —*

(a) *a reasonable sum in respect of the legal or other expenses incurred in connection with the grant of the licence; and*

(b) *an annual charge of a reasonable amount for the administration of the licence;*

but where the Department is the owner of the land on which a highway is situated, nothing in this subsection affects the right of the Department as such owner to grant to any person, for such consideration as it thinks fit, the right to place anything in or under that land.

(3) *A licence under section 78 may be granted —*

(a) *subject to a condition prohibiting assignment thereof, or permitting assignment subject to such conditions as may be specified therein; or*

(b) *to a person as owner of premises fronting the highway and his successors in title, and providing for the licence to be annexed to the premises and for any conditions therein to bind the owner for the time being of the premises.*

(4) *A licence under section 78 shall not be granted for a period exceeding 3 years from the date thereof.*

(5) *If on the expiry of a licence under section 78 an application by the holder of that licence is pending for the grant of a new licence to replace that licence, that licence shall continue in force until the application is disposed of or withdrawn.*

(6) *If any condition contained in a licence under section 78, or any provision of section 78(2) in relation to such a licence, is contravened, the Department or any statutory undertakers affected may carry out any works necessary to remedy such contravention, and may recover from the licensee any expenses reasonably incurred by them in so doing.*

(7) *Before granting a licence under section 78 the Department shall —*

- (a) *consult the local authority in whose district the highway is situated;*
 - (b) *consult any statutory undertakers whose apparatus is under, in, on, over, along or across the part of the highway affected by the proposal;*
 - (c) *publish in one or more newspapers published and circulating in the Island a notice —*
 - (i) *giving particulars of the licence sought; and*
 - (ii) *stating that objections or representations as to the grant of the licence, or as to any condition to be included therein, may be made in writing to the Department within a period of 28 days from the date on which the notice is first published;*
 - (d) *maintain a like notice in a conspicuous position in the highway for the whole of the said period; and*
 - (e) *consider any objections or representations made as mentioned in paragraph (c).”.*
- (2) *Any licence granted by a local authority under the said section 78 before the coming into operation of this section shall be treated as a licence granted by the Department of Infrastructure, and any reference in such a licence to the local authority shall be construed as a reference to the Department.⁵*

31 [Amends section 82 of the Highways Act 1986 by adding subsection (6)]

32 Cycle-paths and bridle-paths

- (1) The amendments of the *Highways Act 1986* specified in Part 1 of Schedule 2 shall have effect for the purpose of enabling cycle-paths and bridle-paths to be created.
- (2) The amendment of the *Road Traffic Act 1985* specified in Part 2 of Schedule 2 shall have effect for the purpose of restricting the use of motor vehicles on cycle-paths and bridle-paths.

33 [Inserts section 106A and preceding heading in the Highways Act 1986]

Supplemental

34 Short title etc

- (1) This Act may be cited as the Road Traffic (Amendment) Act 2001.
- (2) This Act shall come into operation on such day or days as the Department of Infrastructure may by order appoint.^{6 7}

- (3) The enactments specified in Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

SCHEDULE 1

DRIVING TESTS AND LICENCES - AMENDMENTS OF ROAD TRAFFIC ACT 1985

Section 17

[Sch 1 amends the following Act —
Road Traffic Act 1985 q.v.]

SCHEDULE 2

CYCLE-PATHS AND BRIDLE-PATHS

Section 32

PART 1 - AMENDMENTS OF HIGHWAYS ACT 1986

[Part 1 amends the following Act —
Highways Act 1986 q.v.]

PART 2 – AMENDMENTS OF ROAD TRAFFIC ACT 1985

[Part 2 amends the following Act —
Road Traffic Act 1985 q.v.]

SCHEDULE 3
ENACTMENTS REPEALED

Section 34(3)

[Sch 3 repeals the following Acts wholly —

Road Traffic (Driving Courses) Act 1990

Road Traffic (Amendment) Act 1997

and the following Acts in part —

Road Traffic Act 1985

Road Traffic (Amendment) Act 1996.]

The amendment set out below is not yet operative —

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
1986 c.17	<i>The Highways Act 1986.</i>	<i>In section 55(1), the words from “and complies with” onwards.</i>

ENDNOTES

Table of Endnote References

¹ S 19 not yet in force.

² S 28 not yet in force.

³ S 30 not yet in force.

⁴ Definition of “statutory undertakers” amended by SD155/10 Sch 9.

⁵ Subs (2) amended by SD155/10 Sch 5.

⁶ Subs (2) amended by SD155/10 Sch 5.

⁷ ADO – see table

SD Number	Provision	Date in Operation
SD 0683/2001	Sections 1, 2, 3, 4, 7, 8, 10, 15, 20, 21, 22, 23, 24, 25, 27, 29, 31 and 33. Section 34(1) and (2). Section 34(3) and Schedule 3, so far as the repeals relating to s 18 and s 24(4) of the Road Traffic Act 1985 and the repeal of the Road Traffic (Amendment) Act 1997.	1 November 2001
	Section 34(3) and Schedule 3, so far as the repeals relating to paras 6(2A) and 6(2B) of Schedule 3 to the Road Traffic Act 1985.	1 January 2002
	Section 17, so far as it relates to paras 3, 4, 5, 7 and 8 of Schedule 1. Paras 3, 4, 5, 7 & 8 of Schedule 1. Section 34(3) and Schedule 3, so far as the repeals relating to para 2(1)(a) and paras 6(3) and 6(10) of Schedule 3 to the Road Traffic Act 1985. Section 34(3) and Schedule 3, so far as the repeal of the Road Traffic (Driving Courses) Act 1990. Section 34(3) and Schedule 3, so far as the repeal of s 6(5) of the Road Traffic (Amendment) Act 1996.	1 February 2002
SD 0359/2002	Sections 5, 6, 11, 13, 14, 18 and 32. Schedule 2	1 July 2002
SD 0834/2002	Section 34(3) and Schedule 3, so far as it relates to the repeal of the definition of “learner motor cycle” in section 4(4) of the Road traffic Act 1985. Section 17 so far as it relates to para 2 of Schedule 1. Para 2 of Schedule 1.	1 December 2001
SD 0205/2005	Section 17 so far as it relates to para 1 of Schedule 1, and para 1 of Schedule 1, only for the purposes of making regulations.	1 April 2005

	Section 17 so far as it relates to paras 1 and 6 of Schedule 1. Paras 1 and 6 of Schedule 1. Editorial Note: These provisions come into operation on the coming into operation of regulations made under section 4 of the Road Traffic Act 1985. [See SD 595/2012.]	1 November 2012
SD 0137/2010	Sections 9 and 12	1 April 2010
SD 0009/2012	Section 26	1 December 2011
SD 0057/2012	Section 16, only for the purposes of making regulations under inserted section 28A of the Road traffic Act 1985	1 February 2012
	Section 16, for all other purposes. Editorial Note: Section 16 comes into operation on the coming into operation of regulations made under section 28A of the Road Traffic Act 1985. [See SD 0325/2012	1 July 2012