



Road Traffic Act 1988

1988 CHAPTER 52

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

Maintenance and loading of goods vehicles

68 Power to inspect goods vehicles to secure proper maintenance

- (1) For the purpose of securing that goods vehicles are maintained in a fit and serviceable condition and that, in relation to goods vehicles, the provisions of this Part of this Act (except section 74) and of Part V of the Transport Act 1968 are observed, the Secretary of State must appoint such examiners as he considers necessary.
- (2) In this Part of this Act “goods vehicle examiner” means an examiner appointed under subsection (1) above or a certifying officer appointed under the Public Passenger Vehicles Act 1981.
- (3) A goods vehicle examiner—
 - (a) may at any time, on production if so required of his authority, enter and inspect any goods vehicle, and for that purpose detain the vehicle during such time as is required for the inspection, and
 - (b) may at any time which is reasonable having regard to the circumstances of the case enter any premises on which he has reason to believe that a goods vehicle is kept.
- (4) A person who obstructs a goods vehicle examiner in the performance of his duty under subsection (3) above is guilty of an offence.
- (5) A goods vehicle examiner or a constable in uniform may at any time require any person in charge of a stationary goods vehicle on a road to proceed with the vehicle for the purpose of having it inspected under this section to any place where an inspection can be suitably carried out (not being more than five miles from the place where the requirement is made).

Status: This is the original version (as it was originally enacted).

- (6) A person in charge of a goods vehicle who refuses or neglects to comply with a requirement made under subsection (5) above is guilty of an offence.

69 Power to prohibit the driving of unfit goods vehicles

- (1) If—
- (a) on any inspection of a goods vehicle under section 68 of this Act, or
 - (b) on an examination of such a vehicle under regulations under section 49 or 61 of this Act,
- it appears to a goods vehicle 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 either absolutely or for a specified purpose.
- (2) Where a goods vehicle examiner prohibits the driving of a vehicle under subsection (1) above, he must 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 a specified purpose (and if the latter specifying the purpose), and
 - (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.
- (3) A prohibition under subsection (1) above with respect to any vehicle shall, subject to any exemption granted under subsection (6) below, come into force as soon as notice of it has been given under subsection (2) above if, in the opinion of the examiner, the defects in the vehicle are such that driving it, or driving it for any purpose specified in the notice, will create an immediate risk to public safety, and the prohibition shall afterwards continue in force until it is removed under section 72 of this Act.
- (4) In any other case a prohibition under subsection (1) above shall, unless previously removed under section 72 and subject to any exemption under subsection (6) below, come into force at such time not later than ten days from the date of the inspection as seems appropriate to the examiner having regard to all the circumstances, and shall afterwards continue in force until it is so removed.
- (5) A prohibition under subsection (1) above may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official testing station.
- (6) Where a notice has been given under subsection (2) above any examiner may 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.
- (7) Where any such notice has been given an examiner may 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.

70 Power to prohibit driving of overloaded goods vehicles

- (1) Subsections (2) and (3) below apply where a goods vehicle has been weighed in pursuance of a requirement imposed under section 78 of this Act and it appears to—
- (a) a goods vehicle examiner,

Status: This is the original version (as it was originally enacted).

- (b) a person authorised with the consent of the Secretary of State to act for the purposes of this subsection by—
 - (i) a highway authority other than the Secretary of State, or
 - (ii) a local roads authority in Scotland, or
 - (c) a constable authorised to act for those purposes by or on behalf of a chief officer of police,
- 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.
- (2) The person to whom it so appears may, whether or not a notice is given under section 69(2) of this Act, 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, and
 - (b) official notification has been given to whoever is for the time being in charge of the vehicle that it is permitted to proceed.
 - (3) The person to whom it so appears may also by direction in writing require the person in charge of the vehicle to remove it (and, if it is a motor 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) Official notification for the purposes of subsection (2) above—
 - (a) must be in writing and be given by a goods vehicle examiner, a person authorised as mentioned in subsection (1) above or a constable authorised as so mentioned, 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) Nothing in this section shall be construed as limiting the power of the Secretary of State to make regulations under section 71(2) of this Act.

71 Offences in connection with unfit or overloaded goods vehicles

- (1) A person who—
 - (a) drives a goods vehicle on a road, or causes or permits a goods vehicle to be so driven, in contravention of a prohibition under section 69 or 70 of this Act, or
 - (b) refuses, neglects or otherwise fails to comply within a reasonable time with a direction under section 70(3) of this Act,is guilty of an offence.
- (2) The Secretary of State may by regulations exempt from subsection (1) above the use of vehicles for such purposes as may be prescribed.

72 Removal of prohibitions

- (1) A prohibition under section 69 or 70 of this Act may be removed by any goods vehicle examiner if he is satisfied that the vehicle is fit for service.

Status: This is the original version (as it was originally enacted).

- (2) A person aggrieved by the refusal of an examiner appointed under section 68(1) of this Act to remove a prohibition may make an application to any licensing authority to have the vehicle inspected by a certifying officer appointed under the Public Passenger Vehicles Act 1981.
- (3) Where any such application is made, the certifying officer, on the matter being referred to him, must, if he considers that the vehicle is fit for service, remove the prohibition.
- (4) If the prohibition has been imposed with a direction under section 69(5) of this Act, a goods vehicle examiner must not remove it unless and until the vehicle has been inspected at an official testing station.
- (5) A person aggrieved by the refusal of a certifying officer to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Secretary of State.
- (6) The Secretary of State may make such order on the appeal as he thinks fit, and the order shall be binding on the certifying officer.
- (7) Where a goods vehicle examiner removes a prohibition, he must forthwith give notice of the removal—
 - (a) to the owner of the vehicle, and
 - (b) in the case of an authorised vehicle, to the licensing authority by whom the operator’s licence was granted for the vehicle.
- (8) The Secretary of State may provide and maintain stations (in this Part of this Act referred to as “official testing stations”) where inspections of goods vehicles for the purposes of this section may be carried out and may provide and maintain the apparatus for carrying out such examinations.
- (9) In the case of vehicles brought to an official testing station for inspection with a view to removal of a prohibition, the Secretary of State may require the payment of fees for inspection, in accordance with prescribed scales and rates; and
 - (a) payment of the fee may be required to be made in advance,
 - (b) the Secretary of State must ensure that all the scales and rates prescribed for the purposes of this subsection are reasonably comparable with the fees charged by virtue of section 51(1)(h) of this Act in respect of the periodic examination of goods vehicles.
- (10) The Secretary of State may make regulations for prescribing anything which may be prescribed under subsection (5) or (9) above and for regulating the procedure on appeals to him under subsection (5) above.
- (11) A licensing authority may hold such inquiries as he thinks necessary for the proper exercise of his functions under this section.

73 Provisions supplementary to sections 69 to 72

- (1) On giving a notice under section 69(2) or 70(2) of this Act to a person in charge of a vehicle, the person giving the notice must as soon as practicable take steps to bring the contents of the notice—
 - (a) to the attention of the owner of the vehicle if he was not in charge of it at the time when the notice was given, and

Status: This is the original version (as it was originally enacted).

- (b) in the case of an authorised vehicle, to the attention of the licensing authority by whom the operator’s licence was granted for the vehicle.
- (2) A goods vehicle examiner must, in exercising his functions under this section and sections 69 and 70 of this Act, act under the general directions of the Secretary of State and (without prejudice to that) must, in exercising his functions under section 69(6) of this Act, act in accordance with any directions given by the Secretary of State with respect to the exercise of those functions in any particular case.
- (3) Any reference in sections 69 to 72 of this Act to the driving of a vehicle is, in relation to a trailer, a reference to the driving of the vehicle by which the trailer is drawn.
- (4) In this section and section 72 of this Act “authorised vehicle” and “operator’s licence” have the same meaning as in Part V of the Transport Act 1968.