



Transport Act 1968

1968 CHAPTER 73

PART V

REGULATION OF CARRIAGE OF GOODS BY ROAD

Enforcement

81 Consignment notes

(1) Subject to subsection (2) of this section, no goods shall be carried on a large goods vehicle unless a document (in this section referred to as a "consignment note") in the prescribed form and containing the prescribed particulars has been completed and signed in the prescribed manner and is carried by the driver of the vehicle.

(2) Subsection (1) of this section shall not apply—

- (a) to the carriage of goods on any journey or in a vehicle of any class exempted from that subsection by regulations ; or
- (b) to any carriage of goods which is lawful without the authority of an operator's licence;

and, subject to the provisions of regulations, a licensing authority may dispense with the observance, as respects the carriage of goods under an operator's licence granted by him, of any requirement of that subsection, and may grant such a dispensation either generally, or as respects a particular vehicle, or as respects the use of vehicles for a particular purpose, but he shall not grant such a dispensation unless satisfied that it is not reasonably practicable for the requirement dispensed with to be observed.

(3) The consignment note relating to the goods carried by a vehicle on any journey shall, at the conclusion of that journey, be preserved for the prescribed period by the person who used the vehicle (or, if the journey was a controlled journey within the meaning of section 71 of this Act, the last vehicle) for carrying the goods on that journey.

(4) Any person who uses or drives a vehicle in contravention of subsection (1) of this section or who fails to comply with subsection (3) thereof shall be liable on summary conviction to a fine not exceeding £200.

82 Powers of entry and inspection

- (1) An officer may, on production if so required of his authority, require any person to produce and permit him to inspect and copy—
 - (a) any record or other document which is required by or under section 76 or 81 of this Act to be carried by that person as driver of a vehicle;
 - (b) any record or other document which that person is required by or under either of those sections to preserve;and that record or document shall, if the officer so requires by notice in writing served on that person, be produced at the office of the licensing authority specified in the notice within such time (not being less than ten days) from the service of the notice as may be so specified.
- (2) An officer may, on production if so required of his authority—
 - (a) at any time, enter any large goods vehicle and inspect that vehicle and any goods carried by it;
 - (b) 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 such a vehicle is kept or that any such records or documents as are mentioned in subsection (1) of this section are to be found, and inspect any such vehicle, and inspect and copy any such record or document, which he finds there.
- (3) For the purpose of exercising his powers under subsection (1)(a) or (2)(a) of this section, an officer may detain the vehicle in question during such time as is required for the exercise of that power.
- (4) An officer may, at any time which is reasonable having regard to the circumstances of the case, enter any premises of an applicant for an operator's licence or of the holder of such a licence and inspect any facilities on those premises for maintaining the authorised vehicles in a fit and serviceable condition.
- (5) Any person who—
 - (a) fails to comply with any requirement under subsection (1) of this section ; or
 - (b) obstructs an officer in the exercise of his powers under subsection (2), (3) or (4) of this section,shall be liable on summary conviction to a fine not exceeding £100.
- (6) If an officer has reason to believe that a document or article carried on or by the driver of a vehicle, or a document produced to him in pursuance of this Part of this Act or Schedule 9 thereto, is a document or article in relation to which an offence has been committed under—
 - (a) section 83 of this Act; or
 - (b) section 233 or 235 of the Act of 1960 as amended by Schedule 10 to this Act,he may seize that document or article; and where a document or article is seized as aforesaid and within six months of the date on which it was seized no person has been charged since that date with an offence in relation to that document or article under any of those sections and that document or article is still detained, a magistrates' court shall, on an application made for the purpose by the driver or owner of the vehicle, by the person from whom the document was seized or by an officer, make such order respecting the disposal of the document or article and award such costs as the justice of the case may require.

- (7) Any proceedings in Scotland under the last foregoing subsection shall be taken by way of summary application in the sheriff court; and in the application of that subsection to Scotland references to costs shall be construed as references to expenses.
- (8) In this section "officer" means an examiner appointed under Part IV of the Act of 1960 and any person authorised for the purposes of this section by the licensing authority for any area.
- (9) The powers conferred by this section on an officer as defined in subsection (8) of this section shall be exercisable also by a police constable who shall not, if wearing uniform, be required to produce any authority.

83 Falsification of consignment notes and records

Any person who makes, or causes to be made, any record or other document required to be made under section 76 or 81 of this Act which he knows to be false or, with intent to deceive, alters or causes to be altered any such record or document shall be liable—

- (a) on summary conviction, to a fine not exceeding £200;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years.

84 Evidence by certificate

In any proceedings for an offence under this Part of this Act or Schedule 9 thereto a certificate signed by or on behalf of a licensing authority and stating—

- (a) that, on any date, a person was or was not the holder of an operator's licence, a special authorisation or a transport manager's licence granted by the authority;
- (b) the dates of the coming into force and expiration of any such licence or authorisation granted by the authority;
- (c) the terms and conditions of any operator's licence or special authorisation granted by the authority;
- (d) that a person is by virtue of an order of the authority disqualified from holding or obtaining an operator's licence, a special authorisation or a transport manager's licence indefinitely or for a specified period;
- (e) that a direction, having effect indefinitely or for a specified period, has been given by the licensing authority under section 69(6) of this Act in relation to any person;
- (f) that, on any date or during any specified period, any such licence or authorisation granted by the authority was of no effect by reason of a direction that it be suspended,

shall be evidence, and in Scotland sufficient evidence, of the facts stated; and a certificate stating any of the matters aforesaid and purporting to be signed by or on behalf of a licensing authority shall be deemed to be so signed unless the contrary is proved.