



Road Traffic Act 1988

1988 CHAPTER 52

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

General regulation of construction, use etc.

42 Offence where regulations are contravened, etc

- (1) Subject to subsection (2) below and sections 43 and 44 of this Act, a person who—
- (a) contravenes or fails to comply with any regulations under section 41 of this Act, or
 - (b) uses on a road a motor vehicle or trailer which does not comply with any such regulations or causes or permits a vehicle to be so used,
- is guilty of an offence.
- (2) In any proceedings for an offence under subsection (1) above in which there is alleged a contravention of or failure to comply with 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—
 - (i) 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
 - (ii) it 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.—
 - (i) that that limit was not exceeded at the time when the loading of the vehicle was originally completed, and

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(ii) that since that time no person has made any addition to the load.