



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART II

#### CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

##### *Maintenance and loading of goods vehicles*

#### **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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.