



Transport Act 1968

1968 CHAPTER 73

PART VI

DRIVERS' HOURS

99 Inspection of records and other documents.

(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 book or register which that person is required by regulations under section 98 of this Act to carry or have in his possession for the purpose of making in it any entry required by those regulations or which is required under those regulations to be carried on any vehicle of which that person is the driver;

(b) any ^{F1} book or register which that person is required by regulations under section ^{F1} 98 of this Act to preserve;

^{F2}(bb)

(c) if that person is the owner of a vehicle to which this Part of this Act applies, any other document of that person which the officer may reasonably acquire to inspect for the purpose of ascertaining whether the provisions of this Part of this Act or of regulations made thereunder have been complied with;

^{F3}(d)

and that ^{F4}..., book, register or document shall, if the officer so requires by notice in writing served on that person, be produced at the office of the traffic [^{F5}commissioner] 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—

[^{F6}(a) at any time, enter any vehicle to which this Part of this Act applies and inspect that vehicle and any recording equipment installed in it and inspect and copy any record sheet on the vehicle on which a record has been produced by means of the equipment or an entry has been made;]

Changes to legislation: Transport Act 1968, Section 99 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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 [^{F7}record sheets], books, registers or other 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 [^{F8}sheet], book, register or document, which he finds there.
- (3) For the purpose of exercising his powers under subsection (2)(a) and, in respect of a document carried on, or by the driver of, a vehicle, under subsection (1)(a) ^{F9}... of this section, an officer may detain the vehicle in question during such time as is required for the exercise of that power.
- (4) 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) or (3) of this section,
- shall be liable on summary conviction to a fine not exceeding [^{F10}level 3 on the standard scale].
- [^{F11}(4A) A person shall not be liable to be convicted under subsection (4) of this section by reason of failing to comply with any requirement under subsection (1)(a) or (b) of this section if he proves to the court that, if the vehicle in question had been such a vehicle as is mentioned in section 98(2A) of this Act, there would have been no contravention of the provisions of this Part of this Act so far as they relate to the use of such vehicles.]
- (5) Any person who makes, or causes to be made, ^{F12}...any entry in a [^{F13}book, register or document kept or carried] for the purposes of regulations under section 98 thereof ^{F12}... which he knows to be false or, with intent to deceive, alters or causes to be altered any such record or entry 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.
- (6) If an officer has reason to believe that an offence under subsection (5) of this section has been committed in respect of any record or document inspected by him under this section, he may seize that record or document; and where a record or document 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 record or document under that subsection and the record or document has not been returned to the person from whom it was taken, a magistrate's court shall, on an application made for the purpose by that person or by an officer, make such order respecting the disposal of the record or document and award such costs as the justice of the case may require.
- (7) Any proceedings in Scotland under subsection (6) of this section 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) [^{F14}In this Part of this Act] “officer” means [^{F15}an examiner appointed under section 66A of the Road Traffic Act 1988] and any person authorised for the purposes [^{F16}of this Part] by [^{F17}a traffic commissioner].
- (9) The powers conferred by [^{F18}this Part of this Act on an officer] shall be exercisable also by a police constable, who shall not, if wearing uniform, be required to produce any authority.

Changes to legislation: Transport Act 1968, Section 99 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(10) In this section references to the inspection and copying of any record produced by means of [^{F19}recording equipment installed] in a vehicle include references to the application to the record of any process for eliciting the information recorded thereby and to taking down the information elicited from it.

[^{F20}(11) Subsections (1) to (7) and (10) do not apply in respect of vehicles to which section 97 [^{F21}or 97ZA] of this Act applies.]

Textual Amendments

- F1** Words repealed by S.I. 1979/1746, reg. (3)(3)(a)
- F2** S. 99(1)(bb) omitted (5.8.2005) by virtue of The Passenger and Goods Vehicles (Recording Equipment) Regulations 2005 (S.I. 2005/1904), regs. 1(1), **5(2)(a)**
- F3** S. 99(1)(d) omitted (5.8.2005) by virtue of The Passenger and Goods Vehicles (Recording Equipment) Regulations 2005 (S.I. 2005/1904), regs. 1(1), **5(2)(b)**
- F4** Words in s. 99(1) omitted (5.8.2005) by virtue of The Passenger and Goods Vehicles (Recording Equipment) Regulations 2005 (S.I. 2005/1904), regs. 1(1), **5(2)(c)**
- F5** Word substituted by Transport Act 1985 (c. 67, SIF 126), s.3, **Sch. 2 Pt. II para. 1(4)**
- F6** S. 99(2)(a) substituted by S.I. 1979/1746, **reg. 3(4)(a)**
- F7** Words substituted by S.I. 1979/1746, **reg. 3(4)(b)**
- F8** Word inserted by S.I. 1979/1746, **reg. 3(4)(b)**
- F9** Words in s. 99(3) omitted (5.8.2005) by virtue of The Passenger and Goods Vehicles (Recording Equipment) Regulations 2005 (S.I. 2005/1904), regs. 1(1), **5(3)**
- F10** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G** (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)
- F11** S. 99(4A) inserted by S.I. 1979/1746, **reg. 3(5)**
- F12** Words in s. 99(5) omitted (5.8.2005) by virtue of The Passenger and Goods Vehicles (Recording Equipment) Regulations 2005 (S.I. 2005/1904), regs. 1(1), **5(4)**
- F13** Words substituted by Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3), **s. 2(1)(h)**
- F14** Words in s. 99(8) substituted (5.8.2005) by The Passenger and Goods Vehicles (Recording Equipment) Regulations 2005 (S.I. 2005/1904), regs. 1(1), **5(5)(a)**
- F15** Words in s. 99(8) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40), s. 48, **Sch. 4 para.2**; S.I. 1992/1286, **art. 2**, Sch.
- F16** Words in s. 99(8) substituted (5.8.2005) by The Passenger and Goods Vehicles (Recording Equipment) Regulations 2005 (S.I. 2005/1904), regs. 1(1), **5(5)(b)**
- F17** Words in s. 99(8) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F18** Words in s. 99(9) substituted (5.8.2005) by The Passenger and Goods Vehicles (Recording Equipment) Regulations 2005 (S.I. 2005/1904), regs. 1(1), **5(6)**
- F19** Words in s. 99(10) substituted (5.8.2005) by The Passenger and Goods Vehicles (Recording Equipment) Regulations 2005 (S.I. 2005/1904), regs. 1(1), **5(7)**
- F20** S. 99(11) inserted (5.8.2005) by The Passenger and Goods Vehicles (Recording Equipment) Regulations 2005 (S.I. 2005/1904), regs. 1(1), **5(8)**
- F21** Words in s. 99(11) inserted (26.3.2019) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(2), **15**

Modifications etc. (not altering text)

- C1** S. 99 amended by Road Traffic (Foreign Vehicles) Act 1972 (c. 27), s. 1, **Sch. 1**
- C2** S. 99 applied (with modifications) (S.) (4.1.1995) by 1994 c. 39, **s. 40(7)** (with s. 7(2)); S.I. 1994/2850, art. 3(a), **Sch. 2**

Changes to legislation: Transport Act 1968, Section 99 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

- I1** S. 99(1)-(9) in force at 1.9.2003 in so far as not already in force by [S.I. 2003/1985, art. 2](#)
- I2** S. 99(10) in force at 1.9.2003 by [S.I. 2003/1985, art. 2](#)

Changes to legislation:

Transport Act 1968, Section 99 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(1)(b)(ib) omitted by [S.I. 2024/402 Sch. 2 para. 1\(b\)](#)
- s. 9(1)(b)(ia) words omitted by [S.I. 2024/402 Sch. 2 para. 1\(a\)](#)
- s. 9(1)(c)(ie) substituted by [S.I. 2024/402 Sch. 2 para. 1\(c\)](#)
- s. 97(1)(a)(i) words inserted by [S.I. 2019/453 reg. 35\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 35(2) substituted (24.10.2019) by S.I. 2019/1379, regs. 1, 8(a))
- s. 97(1)(a)(ii) words substituted by [S.I. 2019/453 reg. 35\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 35(2) substituted (24.10.2019) by S.I. 2019/1379, regs. 1, 8(a))