



Road Traffic Act 1972

1972 CHAPTER 20

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

General provisions

40 Regulation of construction, weight, equipment and use of vehicles

- (1) The Secretary of State may make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters:—
- (a) the width, height and length of motor vehicles and trailers and the load carried thereby, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers ;
 - (b) the emission or consumption of smoke, fumes or vapour and the emission of sparks, ashes and grit;
 - (c) noise;
 - (d) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested ;
 - (e) the particulars to be marked on motor vehicles and trailers;
 - (f) the towing of or drawing of vehicles by motor vehicles;
 - (g) the number and nature of brakes, and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order ;
 - (h) the testing and inspection, by persons authorised by or under the regulations, of the brakes, silencers, steering gear, tyres, lighting equipment and reflectors

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- of motor vehicles and trailers on any premises where they are, subject however to the consent of the owner of the premises;
- (i) the appliances to be fitted for signalling the approach of a motor vehicle, or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of a motor vehicle, and the use of any such appliance, and for securing that they shall be efficient and kept in proper working order;
 - (j) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, being appliances for signalling by sound, at any times, or on or in any roads or localities, specified in the regulations.
- (2) Without prejudice to the generality of the foregoing provisions, the Secretary of State may, as respects goods vehicles, make regulations under this section—
- (a) prescribing other descriptions of weight which are not to be exceeded in the case of such vehicles ;
 - (b) providing for the marking on such vehicles of weights of any description or other particulars by means of plates (of any material) fixed thereto ;
 - (c) providing for the circumstances in which any particulars which are to be marked on such vehicles are to be so marked;
 - (d) providing that weights of any description or other particulars which are to be marked on particular goods vehicles may be determined in accordance with regulations under section 45 of this Act.
- (3) Different regulations may be made under this section as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects roads in different localities.
- (4) In framing regulations under this section prescribing a weight of any description which is not to be exceeded in the case of goods vehicles of a class for which a manufacturer's certificate or Minister's approval certificate may be issued under section 47 of this Act the Secretary of State shall have regard to the design weight of the like description determined by virtue of the said section 47 for vehicles of that class and shall secure that the first-mentioned weight shall not exceed the design weight.
- (5) Subject to the provisions of this section and sections 41 and 42 of this Act, a person—
- (a) who contravenes or fails to comply with any regulations under this section ; or
 - (b) who 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,
- shall be guilty of an offence.
- (6) In any proceedings for an offence under subsection (5) 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 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 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 five per cent., that that limit was not exceeded at the time the loading of the vehicle

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was originally completed and that since that time no person has made any addition to the load.

(7) In this Part of this Act—

" construction and use requirements " means requirements, whether applicable generally or at specified times or in specified circumstances, imposed under this section or by or under sections 68 to 79 of this Act;

" plated particulars " means such particulars as are required to be marked on a goods vehicle in pursuance of regulations under this section by means of a plate ;

" plated weights " means such weights as are required to be so marked.

41 Temporary exemption from application of regulations under s.40

- (1) Subject to subsections (2) to (4) below, where any regulations under section 40 of this Act contain provisions varying the requirements as regards the construction or weight of any class of vehicles, provision shall be made by the regulations for exempting for such period, not being less than five years, as may be specified therein from the provisions aforesaid any vehicle of that class registered under the Vehicles (Excise) Act 1971 before the expiration of one year from the making of the regulations.
- (2) No such provision contained in regulations under the said section 40 as imposes or varies requirements with respect to the braking systems with which motor vehicles must be equipped shall be taken, for the purposes of subsection (1) above or of any other provision of the regulations, to be one relating to the construction of vehicles.
- (3) Where regulations under the said section 40 contain provisions varying the requirements as regards the construction or weight of any class of vehicle, and the Secretary of State is satisfied—
 - (a) that it is requisite that those provisions shall apply at a date specified in the regulations to vehicles registered before the expiration of one year from the making of the regulations, or to such of them as are specified in the regulations, and
 - (b) that, notwithstanding that those provisions will then apply to those vehicles, no undue hardship or inconvenience will be caused thereby,then, if the regulations state that the Secretary of State is so satisfied, subsection (1) above shall not apply in relation to the said provisions.
- (4) Subsection (1) above shall not apply in relation to regulations made with respect to any description of weight of goods vehicles, other than their maximum unladen weight, or in relation to regulations made by virtue of subsection (2) of the said section 40.

42 Authorisation of use on roads of special vehicles not complying with regulations under s.40

- (1) The Secretary of State may by order authorise, subject to such restrictions and conditions as may be specified by or under the order, the use on roads—
 - (a) of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials,
 - (b) of vehicles or trailers, or types of vehicles or trailers, constructed for use outside the United Kingdom,

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- (c) of new or improved types of motor vehicles or trailers, whether wheeled or wheelless, or of motor vehicles or trailers equipped with new or improved equipment or types of equipment, and
 - (d) of vehicles or trailers carrying loads of exceptional dimensions;
- and nothing in section 40 of this Act shall prevent the use of such vehicles, trailers, or types as aforesaid in accordance with the order.

- (2) The Secretary of State may by order make provision for securing that, subject to such restrictions and conditions as may be specified by or under the order, regulations under the said section 40 shall have effect in their application to such vehicles, trailers and types thereof as are mentioned in subsection (1) above subject to such modifications or exceptions as may be specified in the order.
- (3) Any order under this section may be varied or revoked by a subsequent order of the Secretary of State.
- (4) The powers conferred by this section on the Secretary of State to make orders shall be exercisable by statutory instrument except in the case of orders applying only to specified vehicles or to vehicles of specified persons.

43 Tests of satisfactory condition of vehicles other than goods vehicles to which s.45 applies

- (1) The provisions of this section and of sections 44 and 52(1) of this Act shall have effect in relation to motor vehicles other than goods vehicles which are required by regulations under section 45 of this Act to be submitted for a goods vehicle test under that section and for the purpose of ascertaining whether the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment are complied with.
- (2) The Secretary of State may by regulations make provision for the examination of vehicles submitted for examination under this section and for the issue, where it is found on such an examination that the said requirements are complied with, of a certificate (hereafter in this Act referred to as a "test certificate") that at the date of the examination the requirements were complied with in relation to the vehicle.
- (3) Examinations for the purposes of this section shall be carried out by persons, not being officers of the Secretary of State, authorised for those purposes by the Secretary of State (in this section referred to as "authorised examiners"), by inspectors appointed by the Secretary of State, or by inspectors appointed by any council designated by the Secretary of State for the purposes of this section, being the council of a county, of a borough, of an urban district or of a large burgh (within the meaning of the Local Government (Scotland) Act 1947), the Greater London Council, or the Common Council of the City of London.
- (4) Where a test certificate is refused, the examiner or inspector shall issue a notification of the refusal stating the grounds thereof, and a person aggrieved by the refusal or the grounds thereof may appeal to the Secretary of State; and on any such appeal the Secretary of State shall cause a further examination to be made and either issue a test certificate or issue such a notification as aforesaid.
- (5) For the purposes of their functions under this section the Secretary of State or a council designated for the purposes of this section may provide and maintain—
 - (a) stations where examinations under this section may be carried out, and

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- (b) apparatus for carrying out such examinations.
- (6) The Secretary of State may make regulations for the purpose of giving effect to the foregoing provisions of this section and for prescribing anything authorised by this section to be prescribed, and in particular as to—
- (a) the authorisation of examiners, the imposition of conditions to be complied with by authorised examiners and the withdrawal of authorisations;
 - (b) the manner in which, conditions under which and apparatus with which examinations are carried out, the maintenance of that apparatus in an efficient state, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out;
 - (c) the manner in which applications may be made for the examination of vehicles under this section, the manner in which and time within which appeals may be brought under subsection (4) above, the information to be supplied and documents to be produced on such an application, examination or appeal, the fees to be paid on such an application or appeal, and the repayment of the whole or part of the fee paid on such an appeal where it appears to the Secretary of State that there were substantial grounds for contesting the whole or part of the decision appealed against;
 - (d) the form of, and particulars to be contained in, test certificates and notifications of the refusal thereof, and the supply by the Secretary of State of forms for such certificates and notifications and the charges to be made for the supply thereof;
 - (e) the issue of duplicates of test certificates lost or defaced and the fee to be paid for the issue thereof;
 - (f) the issue of copies of test certificates and the fee to be paid for the issue thereof;
 - (g) the keeping by designated councils and authorised examiners of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed;
 - (h) the keeping of records by designated councils and authorised examiners and the furnishing by them of returns and information to the Secretary of State ;
- and regulations under this section may make different provision in relation to different cases or classes of cases.

44 Obligatory test certificates for vehicles other than goods vehicles to which s.45 applies

- (1) A person who uses on a road at any time, or causes or permits to be so used, a motor vehicle to which this section applies, and as respects which no test certificate has been issued within the appropriate period before the said time, shall be guilty of an offence.
- (2) Subject to section 43(1) of this Act and to subsection (4) below, the motor vehicles to which this section applies at any time are—
 - (a) those first registered under the Vehicles (Excise) Act 1971, the Vehicles (Excise) Act 1962, the Vehicles (Excise) Act 1949 or the Roads Act 1920, not less than ten years before that time, and
 - (b) those which, having a date of manufacture not less than the specified period before that time, have been used on roads (whether in Great Britain or

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elsewhere) before being registered under the Vehicles (Excise) Act 1971 or the Vehicles (Excise) Act 1962.

- (3) For the purposes of paragraph (b) above there shall be disregarded the use of a vehicle—
- (a) before it is sold or supplied by retail; or
 - (b) before it is registered by the Secretary of State under paragraph (b) of section 19(1) of the Vehicles (Excise) Act 1971 (registration when Secretary of State receives from a motor dealer particulars of a vehicle to which the dealer has assigned a mark under section 20 thereof) and after a mark is so assigned to it.
- (4) This section shall not apply to public service vehicles (within the meaning of Part III of the Road Traffic Act 1960) adapted to carry eight or more passengers or to vehicles of such classes as may be prescribed.
- (5) The Secretary of State may by order made by statutory instrument direct that subsection (2)(a) above shall have effect with the substitution, for ten years, of such shorter period as may be specified in the order.
- An order under this subsection shall not have effect unless approved by resolution of each House of Parliament.
- (6) The Secretary of State may by regulations exempt from subsection (1) above the use of vehicles for such purposes as may be prescribed.
- (7) The Secretary of State may by regulations exempt from subsection (1) above the use of vehicles in any such area as may be prescribed.
- (8) For the purpose of spreading the work of issuing certificates in contemplation of a change in the length of the period specified under subsection (5) above or of the appropriate period (and whether for purposes of this section or section 52 of this Act), the order or, as the case may be, regulations changing the length of that period may be made so as to come into operation on different days as respects vehicles first registered under any of the enactments mentioned in subsection (2) above at different times.
- (9) Where within the appropriate period after a test certificate is issued or treated for the purposes of this section as issued, but not earlier than one month before the end of that period, a further test certificate is issued as respects the same vehicle, the further certificate shall be treated for the purposes of this section as if issued at the end of the said appropriate period.
- (10) Where the particulars contained in a test certificate in accordance with regulations made under section 43(6) of this Act include a date of expiry falling later, but not more than one month later, than the end of the appropriate period after the date on which it is issued, the certificate shall be deemed to have been issued in respect of the same vehicle as an earlier test certificate and the date on which it was issued shall be deemed to have been a date falling within the last month of the appropriate period after the date on which that earlier certificate was issued or treated for the purposes of this section as issued ; and any date of expiry contained in a test certificate shall be deemed to have been entered in accordance with such regulations unless the contrary is proved.
- (11) For the purposes of this section the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by

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retail, and in the said excepted case shall be taken to be the last day of the year during which the modifications are completed.

(12) Any power conferred by this section to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke the order.

(13) In this section—

" appropriate period " means a period of twelve months or such shorter period as may be prescribed ;

" specified period " means a period of ten years or such shorter period as may be specified in an order under subsection (5) above.

45 Tests of satisfactory condition of certain classes of goods vehicles and determination of plated weights and other particulars therefor

(1) The Secretary of State may by regulations make provision for the examination of goods vehicles of any prescribed class for the purpose of selecting or otherwise determining plated weights or other plated particulars for goods vehicles of that class or for the purpose of ascertaining whether any prescribed construction and use requirements (whether relating to plated particulars or not) are complied with in the case of goods vehicles of that class, or for both purposes, and in particular—

- (a) for the determination, according to criteria or by methods prescribed by or determined under the regulations, of the plated particulars for a goods vehicle (including its plated weights), on an examination of the vehicle for the purpose, and for the issue on such an examination, except as provided by regulations made by virtue of paragraph (c) of this subsection, of a certificate (hereafter in this Act referred to as a " plating certificate ") specifying those particulars ;
- (b) for the issue, for a goods vehicle which has been found on examination for the purpose to comply with the prescribed construction and use requirements, of a certificate (hereafter in this Act referred to as a " goods vehicle test certificate ") stating that the vehicle has been found so to comply; and
- (c) for the refusal of a goods vehicle test certificate for a goods vehicle which is so found not to comply with those requirements and for requiring a written notification to be given of any such refusal and of the grounds of the refusal, and for the refusal of a plating certificate where a goods vehicle test certificate is refused.

References in the foregoing provisions of this subsection to construction and use requirements shall be construed, in relation to an examination of a vehicle solely for the purpose of ascertaining whether it complies with any such requirements, as references to such of those requirements as are applicable to the vehicle at the time of the test and, in relation to an examination of a vehicle both for that purpose and for the purpose of determining its plated particulars, as references to such of those requirements as will be applicable to the vehicle if a plating certificate is issued for it.

(2) In the following provisions of this Part of this Act—

" examination for plating " means an examination under regulations under this section for the purpose of determining plated particulars for a goods vehicle; and

" goods vehicle test " means an examination under any such regulations for the purpose of ascertaining whether any prescribed construction and use requirements are complied with in the case of a goods vehicle.

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- (3) Any person aggrieved by a determination made on an examination under the regulations by the person in charge of the examination may appeal to an area mechanical engineer appointed by the Secretary of State to act for the traffic area in which the original examination was made, and on the appeal the area mechanical engineer shall cause the vehicle to be reexamined and make such determination in the matter as he thinks fit.
- (4) A person aggrieved by the determination of an area mechanical engineer under subsection (3) above may appeal to the Secretary of State and on the appeal the Secretary of State shall cause the vehicle to be re-examined by an officer appointed by him for the purpose and shall make such determination on the basis of the re-examination as he thinks fit.
- (5) Regulations under this section may make the like provision in relation to a determination on an appeal under subsection (3) or (4) above as they make in relation to a determination on an examination under the regulations.
- (6) Without prejudice to the generality of subsection (1) above, regulations under this section may—
 - (a) require or authorise goods vehicles to which the regulations apply to be submitted for examination under the regulations and, in particular—
 - (i) require any such vehicle to be submitted for a goods vehicle test at periodic intervals ; and
 - (ii) require or authorise any such vehicle to be submitted for re-examination on the making of any prescribed alteration to it or its equipment and, for the purpose of determining whether any such reexamination is necessary, require any such alteration to be notified to the Secretary of State;
 - (b) authorise any examination under the regulations to be carried out by or under the direction of a goods vehicle examiner;
 - (c) prescribe the conditions subject to which vehicles will be accepted for such examination and, without prejudice to the foregoing—
 - (i) authorise any person by whom an examination of the vehicle under the regulations or subsections (3) and (4) above is carried out to drive the vehicle, whether on a road or elsewhere ; and
 - (ii) require that a driver of a vehicle examined thereunder is, except so far as permitted to be absent by the person carrying out the examination, present throughout the whole of the examination and drives the vehicle when directed to do so, and operates the controls in accordance with any directions given to him, by that person ;
 - (d) require the plating certificate for any vehicle to which the regulations apply to specify any alteration to the vehicle or its equipment which is required by the regulations to be notified to the Secretary of State;
 - (e) authorise the amendment of a plating certificate or the issue of a different plating certificate on the re-examination of any vehicle;
 - (f) provide for the period of validity of goods vehicle test certificates;
 - (g) specify the manner in which, and the time before or within which, applications may be made for the examination of vehicles under the regulations or appeals may be brought under subsection (3) or (4) above, and the information to be supplied and documents to be produced on any such application, examination or appeal;

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- (h) make provision as to the fees to be paid on any such application or appeal and as to the repayment of the whole or part of any fee paid on such an appeal where it appears to the Secretary of State that there were substantial grounds for contesting the whole or part of the determination appealed from ;
 - (i) make provision as to the form of, and particulars to be contained in, plating certificates and goods vehicle test certificates and notifications of the refusal of the latter certificates;
 - (j) provide for the issue of replacements for plates marked with plated particulars, plating certificates and goods vehicle test certificates which have been lost or defaced and for the payment of a fee for their issue ;
 - (k) exempt prescribed classes of vehicles from all or any of the provisions of the regulations either generally or in prescribed circumstances;
 - (l) make different provision for different cases.
- (7) Regulations under this section may provide that a person who contravenes or fails to comply with a requirement of regulations imposed by virtue of subsection (6)(c)(ii) thereof shall be guilty of an offence.
- (8) Without prejudice to any regulations made by virtue of subsection (6)(c) above, the Secretary of State may give directions with respect to the manner in which examinations under regulations under this section or under subsection (3) or (4) above are to be carried out.
- (9) The Secretary of State may provide and maintain stations where examinations of goods vehicles under regulations under this section or under subsection (3) or (4) above may be carried out and may provide and maintain the apparatus for carrying out such examinations.
- (10) In this section "goods vehicle examiner" has the same meaning as in section 56(1) of this Act and any reference 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.

46 Obligatory test certificates for goods vehicles to which s.45 applies

- (1) If any person at any time on or after the relevant date uses on a road, or causes or permits to be so used, a goods vehicle of a class required by regulations under section 45 of this Act to have been submitted for examination for plating and at that time there is no plating certificate in force for the vehicle, he shall be guilty of an offence.

In this subsection " relevant date ", in relation to any goods vehicle, means the date by which it is so required to be submitted for examination for plating.

- (2) If any person at any time on or after the relevant date uses on a road, or causes or permits to be so used, a goods vehicle of a class required by regulations under the said section 45 to have been submitted for a goods vehicle test and at that time there is no goods vehicle test certificate in force for the vehicle, he shall be guilty of an offence.

In this subsection " relevant date ", in relation to any goods vehicle, means the date by which it is so required to be submitted for its first goods vehicle test.

- (3) Any person who uses on a road, or causes or permits to be so used, a goods vehicle when an alteration has been made to the vehicle or its equipment which is required by

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regulations under the said section 45 to be, but has not been, notified to the Secretary of State shall be guilty of an offence.

- (4) In any proceedings for an offence under subsection (3) above, it shall be a defence to prove that the alteration was not specified in the relevant plating certificate in accordance with regulations under the said section 45.
- (5) The Secretary of State may by regulations—
- (a) exempt from all or any of the foregoing provisions of this section the use of goods vehicles for such purposes or in such an area as may be prescribed ; and
 - (b) make provision for the issue in respect of a vehicle in such circumstances as may be prescribed of a certificate of temporary exemption exempting that vehicle from the provisions of subsection (1) or (2) above for such period as may be specified in the certificate.

47 Approval of design, construction, etc., of goods vehicles

- (1) Without prejudice to section 40 of this Act, the Secretary of State may by regulations prescribe requirements (hereinafter in this Part of this Act referred to as " type approval requirements") with respect to the design, construction, equipment and marking of goods vehicles of any class, being requirements which are applicable before, whether or not they are applicable after, vehicles of that class are used on a road.
- (2) Regulations under this section may provide for the determination, according to criteria or by methods prescribed by or determined under the regulations, of weights of any description which in the opinion of the Secretary of State should not be exceeded in the case of goods vehicles of any class.
- (3) In this Part of this Act—
- (a) references to design weights shall be construed as references to weights determined by virtue of subsection (2) above; and
 - (b) " the relevant aspects of design, construction, equipment and marking ", in relation to any vehicle, means those aspects of design, construction, equipment and marking which are subject to the type approval requirements or which were used as criteria in determining design weights for that vehicle.
- (4) Where the Secretary of State is satisfied on application made to him by the manufacturer of a goods vehicle of a class to which regulations under this section apply and after examination of the vehicle—
- (a) that the vehicle complies with the relevant type approval requirements; and
 - (b) that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted ;

he may approve that vehicle as a type vehicle and, if so, shall issue a certificate (hereafter in this Part of this Act referred to as a " type approval certificate ") stating that the vehicle complies with the relevant type approval requirements and specifying the permitted variations from the type vehicle and the design weights for vehicles so conforming in all respects and for vehicles so conforming with any such variations.

In the following provisions of this section and in section 48 of this Act " conform " means conform in all respects or with any permitted variation.

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- (5) A manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each goods vehicle manufactured by him which conforms with the type vehicle in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate (hereafter in this Part of this Act referred to as a "manufacturer's certificate") stating that it does so conform and specifying the design weights for the vehicle, and shall in such cases as may be prescribed specify in the certificate one or more of the plated weights for the vehicle.
- (6) Where a manufacturer issues a manufacturer's certificate for a vehicle, the Secretary of State shall, on an application made by any person containing such information as he may require with respect to the proposed circumstances of operation of the vehicle and on production of that certificate, specify in the certificate any plated weights for the vehicle not so specified by the manufacturer.
- (7) Where a manufacturer issues a manufacturer's certificate for a vehicle then—
 - (a) if he is required by subsection (5) above to specify any plated weights for the vehicle in the certificate, he shall mark those weights on the vehicle by means of a plate fixed to it;
 - (b) in any other case the Secretary of State shall on an application for the purpose secure that those weights are so marked.
- (8) Where the Secretary of State is satisfied, on application made to him by any person in respect of a goods vehicle of a class to which regulations under this section apply and after examination of the vehicle, that the vehicle complies with the relevant type approval requirements and the Secretary of State has sufficient information to enable the plated weights to be ascertained for the vehicle he may issue a certificate (hereafter in this Part of this Act referred to as a "Minister's approval certificate") stating that the vehicle complies with those requirements and specifying its design weights and plated weights and, where he issues such a certificate, shall secure that the plated weights are marked on the vehicle by means of a plate fixed to it.
- (9) Subject to the provisions of subsection (10) below, a type approval certificate may be issued for a type vehicle where the Secretary of State is satisfied that one or more, but not all, of the relevant type approval requirements are complied with in the case of that vehicle, and—
 - (a) a further type approval certificate may be issued by virtue of this subsection on the application of any person who manufactures any part of the vehicle or by whom the vehicle is finally assembled, and references in this section and section 48 of this Act to a manufacturer shall be construed accordingly ;
 - (b) any manufacturer's certificate issued in consequence of any type approval certificate issued by virtue of this subsection shall relate only to the requirement or requirements to which that type approval certificate relates;
 - (c) where a manufacturer's certificate issued in respect of a vehicle relates to one or more, but not all, of the relevant type approval requirements, the Secretary of State may issue in respect of that vehicle a Minister's approval certificate relating to one or more of the other relevant type approval requirements.
- (10) The first type approval certificate issued for a type vehicle by virtue of subsection (9) above shall specify the design weights for conforming vehicles, and accordingly—
 - (a) so much of subsections (4), (5), (6) and (7) above as requires the Secretary of State or a manufacturer to specify in any certificate under this section the design weights or plated weights for a vehicle or as requires the Secretary of

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State or a manufacturer to mark or secure the marking of the plated weights on a vehicle shall not apply to a subsequent type approval certificate issued by virtue of subsection (9) above or to the manufacturer's certificates issued in consequence of such a type approval certificate ;

- (b) so much of subsection (8) above as requires the Secretary of State to specify in any certificate issued by him the design weights and plated weights for a vehicle or to secure that the plated weights are marked on a vehicle shall not apply to a Minister's approval certificate issued by virtue of subsection (9) above.
- (11) Where a Minister's approval certificate is given as respects an imported goods vehicle and the Secretary of State is satisfied on the application of the importer of the vehicle and after the consideration of such evidence as he thinks necessary that any other goods vehicle imported by the importer conforms with the first mentioned vehicle as respects the relevant aspects of design, construction, equipment and marking, the Secretary of State may issue a Minister's approval certificate in respect of that other vehicle without examining it and, where he issues such a certificate, shall specify the plated weights which are to be marked on the other vehicle.
- (12) Subsection (11) above shall apply in relation to goods vehicles brought into Great Britain from Northern Ireland as it applies in relation to imported goods vehicles, and references in that subsection to the importer shall be construed accordingly.
- (13) Where the Secretary of State determines on an application under this section not to issue a type approval certificate or a Minister's approval certificate in respect of a goods vehicle, he shall give to the applicant a written notification of the determination, stating the grounds on which it is based.

48 Supplementary provisions as to type approval and other certificates

- (1) A type approval certificate may be issued subject to conditions with respect to—
- (a) the inspection by officers of the Secretary of State of vehicles purporting to conform with the type vehicle in the relevant aspects of design, construction, equipment and marking and of parts of such vehicles and their equipment, and the entry of premises where they are manufactured, and
 - (b) the notification by the manufacturer of differences of design, construction, equipment or marking (other than permitted variations) between any such vehicles and the type vehicle which might affect the type approval requirements or the criteria for determining the design weights of those vehicles.
- (2) The Secretary of State may by regulations require that prescribed alterations in any of the relevant aspects of design, construction, equipment or marking or any such aspect which affects the plated weight made to any vehicle for which a manufacturer's certificate or a Minister's approval certificate is issued shall, subject to any exemption granted under subsection (3) below, be notified to the Secretary of State.
- (3) The Secretary of State may by notice in writing given to the manufacturer of goods vehicles or to the owner of a vehicle for which a Minister's approval certificate is issued—
- (a) direct that any specified alteration in any of the said aspects to a vehicle to which the direction relates shall be notified to the Secretary of State ;

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- (b) exempt a vehicle to which the notice relates from all or any of the requirements of regulations under subsection (2) above, subject to compliance with any conditions specified in the notice.
- (4) Without prejudice to the provisions of section 50 of this Act, the Secretary of State may by regulations require that a manufacturer's certificate or Minister's approval certificate issued for any vehicle shall specify the regulations if any applicable to the vehicle under subsection (2) above at the time of the issue of the certificate, any additional alteration to that vehicle required by any direction under subsection (3) above to be notified to the Secretary of State and any exemption applicable to that vehicle under that subsection.
- (5) A manufacturer's certificate or Minister's approval certificate specifying any plated weights shall be treated for the purposes of the provisions of this Part of this Act and any regulations thereunder relating to plating certificates (except section 45(3) of this Act) as a plating certificate.
- (6) If it appears to the Secretary of State that there has been a breach of a condition subject to which a type approval certificate has been granted or if he ceases to be satisfied as to any other matter relevant to a type approval certificate, he may cancel or suspend the certificate, but the cancellation or suspension shall not affect the validity of any manufacturer's certificate previously issued in consequence of the type approval certificate
- (7) Where the Secretary of State cancels or suspends a certificate in pursuance of this section, he shall give a written notification of that fact to the holder of the certificate stating the grounds for the cancellation or suspension.

49 Appeals

A person aggrieved by a determination made on behalf of the Secretary of State with respect to a type approval certificate, a manufacturer's certificate or a Minister's approval certificate under section 47 or 48 of this Act, including any determination with respect to design weights or plated weights, may within the prescribed time and in the prescribed manner appeal to the Secretary of State, and on the appeal the Secretary of State-

- (a) shall have the like powers and duties as he has on an original application for a type approval or a Minister's approval certificate or in respect of the plated weights to be included in a manufacturer's certificate;
- (b) may hold an inquiry in connection therewith; and
- (c) may appoint an assessor for the purpose of assisting him with the appeal or any such inquiry.

50 Regulations for purposes of ss.47 to 49 and other supplementary provisions

- (1) The Secretary of State may make regulations for the purposes of sections 47 to 49 of this Act and, without prejudice to the generality of the foregoing, any such regulations—
 - (a) may provide for the examination of any vehicle in respect of which a manufacturer's certificate or a Minister's approval certificate is in force in the event of an alteration being made to the vehicle which is notifiable by virtue of section 48(2) or (3) of this Act and, in particular, may empower a goods

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- vehicle examiner to require the vehicle to be examined at a testing station provided under this section or section 45 or 58 of this Act;
- (b) may authorise the suspension or amendment of a manufacturer's certificate or a Minister's approval certificate on an examination of any vehicle in pursuance of regulations made by virtue of paragraph (a) above;
 - (c) shall give a right of appeal to any person aggrieved by a determination on any such examination and for that purpose may apply section 45(3) and (4) of this Act;
 - (d) may contain the like provisions with respect to any such examination and any appeal brought by virtue of paragraph (c) above as may be contained in regulations made by virtue of paragraphs (b), (c), (g) and (h) of section 45(6) of this Act in relation to the examinations and appeals there mentioned;
 - (e) may provide for charging a fee on the making of an application for a type approval certificate or Minister's approval certificate;
 - (f) may make provision as to the form of, and particulars to be contained in, manufacturers' certificates, and provide for the supply by the Secretary of State of forms for such certificates ;
 - (g) may provide for the issue of replacements for plates fixed to vehicles under section 47 of this Act, manufacturers' certificates and Minister's approval certificates which have been lost or defaced and provide for the payment of a fee for their issue;
 - (h) may require persons empowered by section 47 of this Act to issue manufacturers' certificates to keep records of manufacturers' certificates issued by them and of the vehicles in respect of which such certificates are issued and may authorise the inspection of such records by such persons and in such circumstances as may be prescribed ;
 - (i) may make different provision for different cases.
- (2) Without prejudice to any regulations made by virtue of section 45(6)(c) of this Act, as applied by this section, the Secretary of State may give directions with respect to the manner in which examinations to which such regulations apply are to be carried out.
 - (3) The Secretary of State may provide and maintain stations where examinations of goods vehicles under sections 47 to 49 of this Act or this section or regulations thereunder may be carried out and may provide and maintain the apparatus for carrying out such examinations.
 - (4) Where an agreement entered into between Her Majesty's Government and the Government of a country outside Great Britain provides for the recognition in Great Britain of arrangements under the law of that country with respect to the approval of the design, construction, equipment or marking of goods vehicles of any description manufactured in that country, the Secretary of State may make regulations—
 - (a) applying, with such adaptations and modifications as he thinks fit, all or any of the provisions of sections 47 to 49 of this Act and of regulations under subsection (1) above, so far as relating to type approval certificates and manufacturers' certificates, to goods vehicles of that description manufactured in that country;
 - (b) providing that a certificate issued under any such provision as so applied shall be treated for the purposes of any other provisions of this Part of this Act prescribed by the regulations as a type approval certificate or as a manufacturer's certificate ;

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- (c) providing for the cancellation or suspension (subject to any savings prescribed by the regulations) of any such certificate in the event of the agreement ceasing to be in force or being modified.
- (5) Where regulations under subsection (1) above impose the like requirement as may be imposed by regulations made by virtue of section 45(6)(c)(ii) of this Act, the regulations may provide that a person who contravenes or fails to comply with a requirement so imposed shall be guilty of an offence.
- (6) In this section " goods vehicle examiner " has the same meaning as in section 56(1) of this Act and in sections 47 and 48 of this Act and this section " goods vehicle" includes a vehicle which is a chassis for, or will otherwise form part of, a vehicle which when completed will be a goods vehicle.

51 Obligatory type approval, manufacturers' and Minister's approval, certificates

- (1) If any person at any time on or after the day appointed by regulations made by the Secretary of State in relation to goods vehicles of a prescribed class, being vehicles to which type approval requirements prescribed by those regulations apply, uses on a road, or causes or permits to be so used, a goods vehicle of that class and it does not appear from one or more certificates then in force under section 47 of this Act that the vehicle complies with those requirements, he shall be guilty of an offence.

Different days may be appointed under this subsection in relation to different classes of vehicles.

- (2) If a plating certificate has been issued for a goods vehicle to which section 46(1) of this Act or subsection (1) above applies, but does not specify a maximum laden weight for the vehicle together with any trailer which may be drawn by it, any person who on or after the relevant date within the meaning of the said section 46(1) or, as the case may be, the day appointed under the said subsection (1) uses the vehicle on a road for drawing a trailer, or causes or permits it to be so used, shall be guilty of an offence.
- (3) Any person who uses on a road, or causes or permits to be so used, a goods vehicle when an alteration has been made to the vehicle or its equipment which is required by regulations or directions under section 48 of this Act to be, but has not been, notified to the Secretary of State shall be guilty of an offence.
- (4) In any proceedings for an offence under subsection (3) above, it shall be a defence to prove that the regulations were not, or, as the case may be, the alteration was not, specified in the relevant manufacturer's certificate or Minister's approval certificate in accordance with regulations under section 48(4) of this Act.
- (5) The Secretary of State may by regulations—
 - (a) exempt from all or any of the foregoing provisions of this section the use of goods vehicles for such purposes or in such an area as may be prescribed ;
 - (b) exempt any class of goods vehicles from the provisions of subsection (2) above ; and
 - (c) make provision for the issue in respect of a vehicle in such circumstances as may be prescribed of a certificate of temporary exemption exempting that vehicle from the provisions of subsection (1) above for such period as may be specified in the certificate.

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52 Regulations prohibiting the grant of excise licences for certain vehicles except on compliance with certain conditions

- (1) The Secretary of State may by regulations provide that where application is made for a licence under the Vehicles (Excise) Act 1971 for a vehicle to which section 44 of this Act applies and, in the case of an application relating to a vehicle to which that section applies by virtue of subsection (2)(b) thereof, it appears from the application that the vehicle has been used on roads (whether in Great Britain or elsewhere) before the date of the application, the licence shall not be granted unless—
 - (a) there is produced such evidence as may be prescribed of the granting of an effective test certificate or (if it is so prescribed) there is produced such a certificate or there is furnished to the Secretary of State a copy thereof, or
 - (b) there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose prescribed under subsection (6), or in an area prescribed under subsection (7), of the said section 44, or
 - (c) in the case of an application relating to a vehicle to which the said section 44 applies by virtue of subsection (2)(b) thereof, the owner of the vehicles declares in writing the year in which the vehicle was manufactured, and the specified period from the date of manufacture has not expired.
- (2) The Secretary of State may by regulations provide that where application is made for a licence under the said Act of 1971 for a goods vehicle to which section 46(2) or 51(1) of this Act applies, the licence shall not be granted unless—
 - (a) on any application, after the relevant date within the meaning of the said section 46(2), for a licence for a vehicle to which the said section 46(2) applies, there is produced evidence that an effective goods vehicle test certificate is in force for the vehicle;
 - (b) on the first application, after the day appointed by regulations made by virtue of the said section 51(1), for a licence for a vehicle of any class to which those regulations apply, there is produced evidence that there is or are one or more certificates in force for the vehicle under section 47 of this Act from which it appears that the vehicle complies with all the relevant type approval requirements prescribed by those regulations;or unless there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose or in an area prescribed under paragraph (a) of section 46(5) or 51(5) of this Act or unless there is produced in respect of the vehicle a certificate of temporary exemption issued by virtue of paragraph (b) of the said section 46(5) or paragraph (c) of the said section 51(5) which exempts that vehicle from the provisions of section 46(2) or 51(1) of this Act, as the case may be, for a period which includes the date on which the licence is to come into force.
- (3) Regulations under subsection (2) above may be made so as to apply to such classes only of vehicles as may be specified in the regulations.
- (4) Section 44(11) shall apply for the purposes of this section as it applies for the purposes of that section.
- (5) In this section—

" effective test certificate " means, in relation to an application for a licence for a vehicle, a test certificate relating to the vehicle and issued within the appropriate period before the date on which the licence is to come into force;

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" effective goods vehicle test certificate " means, in relation to an application for a licence for a vehicle, a goods vehicle test certificate relating to the vehicle which will be in force on the date on which the licence is to come into force;

and " appropriate period " and " specified period " have the same meanings as they respectively have in section 44 of this Act.

53 Testing of condition of vehicles on roads

(1) An authorised examiner may test a motor vehicle on a road for the purpose of ascertaining whether the requirements imposed by law as to—

- (a) brakes, silencers, steering gear and tyres;
- (b) the prevention or reduction of smoke, fumes or vapour; and
- (c) lighting equipment and reflectors,

are complied with as respects the vehicle, and of bringing to the notice of the driver any failure to comply with those requirements, and for the purpose of testing the vehicle the examiner may drive it; but a vehicle shall not be required to stop for a test except by a constable in uniform.

(2) The following persons may act as authorised examiners for the purposes of this section and section 54 of this Act, that is to say, a certifying officer or public service vehicle examiner appointed under Part III of the Road Traffic Act 1960, a person appointed as an examiner under section 56 of this Act, a person appointed to examine and inspect public carriages for the purposes of the Metropolitan Public Carriage Act 1869, a person appointed to act for the purposes of this section by the Secretary of State, and a constable authorised so to act by or under instructions of the chief officer of police.

A person appointed as aforesaid shall produce his authority to act for the purposes of this section if required to do so.

(3) On the examiner proceeding to test a vehicle under this section, the driver may elect that the test shall be deferred to a time, and carried out at a place, fixed in accordance with Schedule 3 to this Act, and the provisions of that Schedule shall apply accordingly:

Provided that—

- (a) where it appears to a constable that, by reason of an accident having occurred owing to the presence of the vehicle on a road, it is requisite that a test should be carried out forthwith, he may require it to be so carried out and, if he is not to carry it out himself, may require that the vehicle shall not be taken away until the test has been carried out; and
- (b) where in the opinion of a constable the vehicle is apparently so defective that it ought not to be allowed to proceed without a test's being carried out, he may require the test to be carried out forthwith.

(4) If a person obstructs an authorised examiner acting under this section, or fails to comply with a requirement of this section or Schedule 3 to this Act, he shall be guilty of an offence.

(5) In this section and in Schedule 3 to this Act " test " includes " inspect " or " inspection ", as the case may require, and references to a vehicle include references to a trailer drawn thereby.

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54 Remedying of defects discovered on roadside tests

- (1) Where on testing a motor vehicle under section 53 of this Act it appears to an authorised examiner that there is a defect in the vehicle by reason that the vehicle does not comply with a construction and use requirement applicable to the vehicle, he may, whether or not the requirement is one mentioned in subsection (1) of that section and whether or not proceedings are instituted for a breach of the requirement, give a notice in writing to the person who is then the owner of the vehicle specifying the defect and the requirement in question and requiring him to give to the Secretary of State within the permitted period a certificate complying with subsection (3) below or a declaration complying with subsection (4) below.
- (2) On testing a motor vehicle as aforesaid an authorised examiner may require the person in charge of the vehicle to state whether he is the owner of the vehicle and, if he is not the owner, the name and address of the owner.
- (3) A certificate under this section shall contain—
 - (a) a statement signed by the person to whom the notice under this section was given that he has taken steps to secure that repairs for the purpose of remedying the defects specified in the notice have been carried out at a vehicle testing station or to secure that the vehicle has been examined at such a station for the purpose of ascertaining whether any such repairs have been carried out; and
 - (b) a statement signed by a person having power to carry out examinations at such a station under section 43 of this Act that the signatory has either carried out any such repairs or examined the vehicle for the purpose of ascertaining whether those repairs have been carried out and that in his opinion the vehicle complies with the construction and use requirement specified in the notice.
- (4) A declaration under this section shall be signed by the person to whom the notice under this section was given and shall state that he has sold or disposed of his interest in the vehicle to which the notice relates or that he does not intend to use it thereafter on a road in Great Britain.
- (5) A person who, having been given a notice under this section, fails to give a certificate or declaration under this section within the permitted period to the Secretary of State shall be guilty of an offence.
- (6) A person who fails to comply with a requirement imposed on him by an authorised examiner under subsection (2) above shall be guilty of an offence.
- (7) The Secretary of State may by regulations make provision with respect to the examination of vehicles for the purpose of ascertaining whether any such repairs as are mentioned in subsection (3)(a) above have been carried out and with respect to the making of statements under subsection (3)(b) above and, in particular, any such regulations—
 - (a) may prescribe the manner in which, conditions under which and apparatus with which such examinations are carried out and make provision with respect to the maintenance of that apparatus in an efficient state, and with respect to the inspection of premises at which and apparatus with which such examinations are being, or are to be, carried out;
 - (b) may prescribe the manner in which applications may be made for such examinations or for such statements ;

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- (c) shall give a right of appeal to any person aggrieved by the refusal of a person mentioned in subsection (3)(b) above to sign a certificate under that paragraph and shall prescribe the manner in which and time within which appeals under the regulations may be brought;
 - (d) may prescribe the information to be supplied and documents to be produced on such an application, examination or appeal;
 - (e) may prescribe the fees to be paid on such an application or appeal, and the repayment of the whole or of part of the fee paid on such appeal where it appears to the Secretary of State that there were substantial grounds for appeal;
 - (f) may prescribe the form of notices, certificates and declarations under this section and of notices of appeal and other documents required for the purposes of this section; and
 - (g) may make different provision for different cases.
- (8) In this section " permitted period " means a period of twenty-eight days beginning with the date of the notice under this section or such longer period as the Secretary of State may, on the application of the owner of a motor vehicle, specify in writing.

55 Tests to check whether defects have been remedied

- (1) Where a certificate has been given under section 54 of this Act with respect to a motor vehicle, the Secretary of State may, within the period of thirty days beginning with the date on which he receives the certificate, require the person who is the owner of the vehicle at the time of the requirement to make the vehicle available for a further test by an officer of the Secretary of State and for that purpose may request that person to specify—
- (a) a period of seven days within which the examination is to take place, being a period falling within the period of thirty days beginning with the date of the requirement, disregarding any day in which the vehicle is outside Great Britain ; and
 - (b) a place, or if that person thinks fit, a local government area, where the test may conveniently be carried out.
- (2) Where a vehicle is made available under subsection (1) above for a further test, any officer of the Secretary of State may test and inspect it for the purpose of ascertaining whether any defect specified in the notice relating to it under the said section 54 has been remedied.
- (3) Section 54 of this Act shall apply in relation to a test under this section as it applies in relation to a test under section 53 thereof with the substitution for references to an authorised examiner of references to an officer of the Secretary of State.
- (4) Paragraphs 3 and 4 of Schedule 3 to this Act shall apply in relation to a test under this section as they apply in relation to a deferred test, subject to the following modifications, that is to say—
- (a) for references therein to the foregoing provisions of that Schedule there shall be substituted references to subsection (1) above;
 - (b) in those paragraphs " owner " shall have the meaning assigned by section 196 of this Act and not the meaning assigned by paragraph 5 of that Schedule; and
 - (c) for the reference in paragraph 3 to premises there shall be substituted a reference to a place.

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- (5) If a person obstructs an officer of the Secretary of State acting under this section, or fails to comply with a requirement of this section or of paragraphs 3 and 4 of the said Schedule 3 as applied by this section, he shall be guilty of an offence.
- (6) Any station or apparatus provided and maintained under section 43(5) of this Act by the Secretary of State or a council designated for the purposes of that section may be used by the Secretary of State or that council, as the case may be, for the carrying out of examinations for the purpose of ascertaining whether any such repairs as are mentioned in section 54(3)(a) of this Act have been carried out and for the carrying out of tests and inspections under this section.
- (7) In subsection (1) above " local government area " means, as respects England and Wales, a county borough, a county district or Greater London and, as respects Scotland, a county or burgh.

56 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 59) and of Part V of the Transport Act 1968 are observed, the Secretary of State shall appoint such examiners as he considers necessary.

In this section and sections 57 and 58 of this Act " goods vehicle examiner" means an examiner appointed under this subsection or a certifying officer appointed under Part III of the Road Traffic Act 1960.

- (2) 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 ;
 - (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.
- (3) A person who obstructs a goods vehicle examiner in the performance of his duty under subsection (2) above shall be guilty of an offence.
- (4) 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 one mile from the place where the requirement is made).
- (5) A person in charge of a goods vehicle who refuses or neglects to comply with a requirement made under subsection (4) above shall be guilty of an offence.

57 Power to prohibit the driving of unfit goods vehicles

- (1) If on any inspection of a goods vehicle under section 56 of this Act or on an examination of such a vehicle under regulations under section 45 or 50 of this Act it appears to a goods vehicle examiner that the vehicle, owing to any defects therein 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.

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- (2) Where a goods vehicle examiner prohibits the driving of a vehicle under subsection (1) above, he shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection, specifying the defects which occasioned the prohibition, 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 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 (5) below, come into force as soon as notice thereof 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 thereafter continue in force until it is removed under section 58 of this Act.
- (4) In any other case a prohibition under subsection (1) above shall, unless previously removed under the said section 58 and subject to any exemption under subsection (5) 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 thereafter continue in force until it is so removed.
- (5) 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.
- (6) 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.
- (7) Where a goods vehicle has been weighed in pursuance of a requirement imposed under section 160 of this Act and it appears to a goods vehicle examiner, to a person authorised with the consent of the Secretary of State to act for the purposes of this subsection by a highway authority other than the Secretary of State or to a constable authorised to act for those purposes by or on behalf of a chief officer of the police—
 - (a) 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; and
 - (b) that as a result there would be an immediate risk to public safety if it were used on a road,the person to whom it so appears may, whether or not a notice is given under subsection (2) above, give notice in writing to the person in charge of the vehicle prohibiting the driving of the vehicle on a road until that weight is reduced to that limit.
- (8) On giving a notice under subsection (2) or (7) above to a person in charge of a vehicle, the person giving the notice shall as soon as practicable take steps to bring the contents of the notice to the attention—
 - (a) of the owner of the vehicle if he was not in charge of it at the time when the notice was given ; and
 - (b) in the case of an authorised vehicle within the meaning of Part V of the Transport Act 1968, of the licensing authority by whom the operators' licence (within the meaning of the said Part V) was granted for the vehicle.

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- (9) A person who drives a goods vehicle on a road, or causes or permits a goods vehicle to be so driven, in contravention of a prohibition under this section, shall be guilty of an offence.
- (10) The Secretary of State may by regulations exempt from subsection (9) above the use of vehicles for such purposes as may be prescribed.
- (11) A goods vehicle examiner shall, in exercising his functions under this section, act under the general directions of the Secretary of State and, without prejudice to the foregoing, shall, in exercising his functions under subsection (5) above, act in accordance with any directions given by the Secretary of State with respect to the exercise of those functions in any particular case.
- (12) Any reference in this section 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.

58 Removal of prohibition of driving of unfit goods vehicle

- (1) A prohibition under section 57 of this Act may be removed by any goods vehicle examiner if he is satisfied that the vehicle is fit for service.
- (2) A person aggrieved by the refusal of an examiner appointed under section 56(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 Part III of the Road Traffic Act 1960, and, where any such application is made, the certifying officer, on the matter being referred to him, shall, if he considers that the vehicle is fit for service, remove the prohibition.
- (3) 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, who shall have power to make such order on the appeal as he thinks fit; and any such order shall be binding on the certifying officer.
- (4) Where a goods vehicle examiner removes a prohibition, he shall forthwith give notice of the removal to the owner of the vehicle and, in the case of an authorised vehicle within the meaning of Part V of the Transport Act 1968, to the licensing authority by whom the operators' licence (within the meaning of the said Part V) was granted for the vehicle.
- (5) The Secretary of State may provide and maintain 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.
- (6) The Secretary of State may make regulations for prescribing anything which may be prescribed under subsection (3) above and for regulating the procedure on appeals to him under that subsection.
- (7) A licensing authority may hold such inquiries as he thinks necessary for the proper exercise of his functions under this section.

59 Operators' duty to inspect, and keep records of inspections of, goods vehicles

- (1) The Secretary of State may make regulations requiring the operator for the time being of a goods vehicle to which the regulations apply to secure—

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- (a) the carrying out by a suitably qualified person (including the operator if so qualified) of an inspection of the vehicle for the purpose of ascertaining whether the construction and use requirements with respect to any prescribed matters, being requirements applicable to the vehicle, are complied with ;
- (b) the making and authentication of records of such matters relating to any such inspection as may be prescribed, including records of the action taken to remedy any defects discovered on the inspection ;

and providing for the preservation of such records for a prescribed period not exceeding fifteen months and their custody and production during that period.

- (2) Regulations under this section may—
 - (a) apply to all goods vehicles or to goods vehicles of such classes as may be prescribed ;
 - (b) require the inspection of goods vehicles under the regulations to be carried out at such times, or before the happening of such events, as may be prescribed;
 - (c) make different provision for different cases.
- (3) Any person who contravenes or fails to comply with any provision of regulations under this section shall be guilty of an offence.
- (4) In this section " the operator ", in relation to a goods vehicle, means the person to whom it belongs or the hirer thereof under a hire-purchase agreement, except where he has let it on hire (otherwise than by way of hire-purchase) or lent it to any other person and in the said excepted case means a person of a class prescribed by regulations under this section in relation to any particular class of goods vehicles or, subject to any such regulations, that other person.
- (5) In any proceedings for a contravention of or failure to comply with construction and use requirements or regulations under this section, any record purporting to be made and authenticated in accordance with regulations under this section shall be evidence (and in Scotland sufficient evidence) of the matters stated in the record and of its due authentication.

60 Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy

- (1) Subject to the provisions of this section it shall not be lawful to sell, or to supply, or to offer to sell or supply, a motor vehicle or trailer for delivery in such a condition that the use thereof on a road in that condition would be unlawful by virtue of any provision made by regulations under section 40 of this Act as respects brakes, steering gear or tyres or as respects the construction, weight or equipment of vehicles, or in such a condition, as respects lighting equipment or reflectors or the maintenance thereof, that it is not capable of being used on a road during the hours of darkness without contravention of the requirements imposed by law as to obligatory lamps or reflectors.
- (2) Subject to the provisions of this section it shall not be lawful to alter a motor vehicle or trailer so as to render its condition such that the use thereof on a road in that condition would be unlawful by virtue of any provision made as respects the construction, weight or equipment of vehicles by regulations under the said section 40.
- (3) If a motor vehicle or trailer is sold, supplied, offered or altered in contravention of the provisions of this section, any person who so sells, supplies, offers or alters it, or causes or permits it to be so sold, supplied, offered or altered, shall be guilty of an offence.

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- (4) A person shall not be convicted of an offence under this section in respect of the sale, supply, offer or alteration of a motor vehicle or trailer if he proves—
- (a) that it was sold, supplied, offered or altered, as the case may be, for export from Great Britain, or
 - (b) that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain, or would not be so used until it had been put into a condition in which it might lawfully be so used, or
 - (c) in the case of a vehicle or trailer the sale, supply or offer of which is alleged to be unlawful by reason of its condition as respects lighting equipment or reflectors or the maintenance thereof, that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain during the hours of darkness until it had been put into a condition in which it might be so used during those hours without contravention of the requirements imposed by law as to obligatory lamps or reflectors.
- (5) Nothing in the foregoing provisions of this section shall affect the validity of a contract or any rights arising under a contract.
- (6) In this section " obligatory lamps or reflectors " means, in relation to a motor vehicle or trailer, the lamps or reflectors required by law to be carried thereon while it is on a road during the hours of darkness and when it is neither drawing nor being drawn by another vehicle, except that the said expression does not, in the case of a motor vehicle, include any lamps or reflectors required to be carried by virtue of section 79 of this Act, or, in the case of a trailer, include any lamps or reflectors so required to be carried or any lamps showing a white light to the front

61 Testing condition of used vehicles at sale rooms, etc.

- (1) An authorised examiner may at any reasonable hour enter premises where used motor vehicles or trailers are sold, supplied, or offered or kept for sale or supply, in the course of a business and test and inspect any used motor vehicle or trailer found thereon for the purpose of ascertaining whether it is in any such condition as is mentioned in section 60(1) of this Act, and for the purpose of testing a motor vehicle and any trailer drawn by it may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.
- (2) If any person obstructs an authorised examiner acting under this section he shall be guilty of an offence.
- (3) In this section an authorised examiner means a person who may act as an authorised examiner for the purposes of section 53 of this Act; and any such person, other than a constable in uniform, shall produce his authority to act for the purposes of that section if required to do so.
- (4) A motor vehicle or trailer shall be treated as used for the purposes of this section if, but only if, it has previously been sold or supplied by retail.

62 Goods vehicles not to be sold without required manufacturer's or Minister's approval certificate

- (1) If any person at any time on or after the day appointed by regulations under section 51(1) of this Act sells, supplies or offers to sell or supply a goods vehicle of a class to which those regulations apply and it does not appear from one or more

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certificates in force at that time under section 47 of this Act that the vehicle complies with all the relevant type approval requirements prescribed by those regulations, he shall be guilty of an offence.

- (2) A person shall not be convicted of an offence under this section in respect of the sale, supply or offer of a vehicle if he proves—
- (a) that it was sold, supplied or offered, as the case may be, for export from Great Britain;
 - (b) that he had reasonable cause to believe that it would not be used on a road in Great Britain or would not be so used until it had been certified as aforesaid; or
 - (c) that he had reasonable cause to believe that it would only be used for purposes or in any area prescribed by the Secretary of State under section 46(5) or 51(5) of this Act.
- (3) Nothing in subsection (1) above shall affect the validity of a contract or any rights arising under or in relation to a contract.

63 Approval marks

- (1) Where any international agreement to which the United Kingdom is a party provides—
- (a) for markings to be applied—
 - (i) to motor vehicle parts of any description to indicate conformity with a type approved by any country; or
 - (ii) to a motor vehicle to indicate that the vehicle is fitted with motor vehicle parts of any description and either that the parts conform with a type approved by any country or that the vehicle is such that as so fitted it conforms with a type so approved ; and
 - (b) for motor vehicle parts or, as the case may be, motor vehicles, bearing those markings to be recognised as complying with the requirements imposed by the law of another country;

the Secretary of State' may by regulations designate the markings as approval marks, and any markings so designated shall be deemed for the purposes of the Trade Descriptions Act 1968 to be a trade description, whether or not the markings fall within the definition of that expression in section 2 of that Act.

- (2) Any person who, without being authorised by the competent authority to apply any approval mark, applies that mark or a mark so nearly resembling it as to be calculated to deceive shall be guilty of an offence under the Trade Descriptions Act 1968, whether or not he would be guilty of such an offence apart from this subsection.
- (3) The conditions subject to which approval of any type may be given on behalf of the United Kingdom or the use of approval marks indicating conformity with a type approved by the United Kingdom may be authorised may include such conditions as to testing or inspection and the payment of fees as the Secretary of State may impose.
- (4) In this section—
- " motor vehicle " means a mechanically propelled vehicle or a vehicle designed or adapted for towing by a mechanically propelled vehicle,
 - " motor vehicle part " means any article made or adapted for use as part of a mechanically propelled vehicle or a vehicle drawn by a mechanically propelled vehicle, or for use as part of the equipment of any such vehicle, and shall be treated as including any equipment for the protection of drivers or

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passengers in or on a motor vehicle notwithstanding that it does not form part of, or of the equipment of, that vehicle; and

" the competent authority " means,—

- (a) as respects any approval mark indicating conformity with a type approved by the United Kingdom, the Secretary of State; and
- (b) as respects any approval mark indicating conformity with a type approved by any other country, the authority having power under the law of that country to authorise the use of that mark.

64 Provisions as to proceedings for certain offences in connection with goods vehicles

- (1) If in any proceedings for an offence under section 40(5) of this Act any question arises as to a weight of any description specified in the plating certificate for a goods vehicle, and a weight of that description is marked on the vehicle, it shall be assumed, unless the contrary is proved, that the weight marked on the vehicle is the weight so specified.
- (2) If in any proceedings for an offence under this Part of this Act except sections 44 and 60 any question arises as to the date of manufacture of a goods vehicle, a date purporting to be such a date and marked on the vehicle in pursuance of regulations under this Part of this Act shall be evidence (and in Scotland sufficient evidence) that the vehicle was manufactured on the date so marked.
- (3) If in any proceedings for the offence of driving a goods vehicle on a road, or causing or permitting a goods vehicle to be so driven, in contravention of a prohibition under section 57(7) of this Act any question arises whether a weight of any description has been reduced to a limit imposed by construction and use requirements, the burden of proof shall lie on the accused.
- (4) If in any proceedings in Scotland for an offence under the Road Traffic Regulation Act 1967 or this Act any question arises as to a weight of any description in relation to a goods vehicle, a certificate purporting to be signed by an inspector of weights and measures and certifying the accuracy of a weighbridge or other machine for weighing vehicles shall be sufficient evidence of the facts stated therein, and where the inspector is called as a witness his evidence shall be sufficient evidence of the aforesaid facts.

In this subsection " inspector of weights and measures " has the same meaning as in the Weights and Measures Act 1963, except that it includes a chief inspector within the meaning of that Act.

65 Restriction on number of trailers drawn

- (1) Subject to subsection (2) below, the number of trailers, if any, which may be drawn by a motor vehicle on a highway shall not exceed—
 - (a) in the case of a heavy locomotive or light locomotive, three;
 - (b) in the case of a motor tractor, one, if laden, or two, if unladen;
 - (c) in the case of a motor car or a heavy motor car, one;or such less number as may be prescribed in relation to vehicles of the respective classes aforesaid by regulations made by the Secretary of State, and different regulations may be made under this subsection as respects vehicles of those classes in different circumstances.

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- (2) Regulations under subsection (1) above may substitute, in the case of such trailers or in such circumstances as may be specified in the regulations, two for one as the number of trailers that may be drawn by any class of vehicle so specified.
- (3) For the purposes of this section the expression " trailer " shall not include a vehicle used solely for carrying water for the purposes of the drawing vehicle or an agricultural vehicle not constructed to carry a load.
- (4) Where—
 - (a) a motor car or heavy motor car is, in consequence of a breakdown, being drawn by another motor vehicle, and
 - (b) a trailer is so attached to the car that part of the trailer is superimposed on the car and that, when the trailer is uniformly loaded, not less than twenty per cent. of the weight of its load is borne by the car,then, if the trailer is unladen the car and trailer shall for the purposes of this section be treated as a single trailer.
- (5) If a person causes or permits a trailer to be drawn in contravention of this section he shall be guilty of an offence.