



Road Traffic Act 1972

1972 CHAPTER 20

PART II

CONSTRUCTION AND USE OF VEHICLES AND EQUIPMENT

General provisions

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.
- (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.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (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.
- (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.