



Transport Act 1982

1982 CHAPTER 49

PART II

TESTING, MARKING AND APPROVAL OF VEHICLES

Miscellaneous and supplemental

19 Prohibitions under section 57 of the 1972 Act

- (1) In section 57(3) of the 1972 Act (immediate effect, in certain cases, of prohibition to drive unfit goods vehicle), for the words " will create an immediate risk to public safety " there shall be substituted the words " would involve danger to any person ".
- (2) A goods vehicle examiner (or an authorised inspector, if the terms of his authorisation so provide) shall have power to cancel a direction under section 57(4A) (direction making prohibition on driving a vehicle irremovable unless and until the vehicle has been inspected at an official testing station); and accordingly, at the end of subsection (6) of that section (variation of notice of prohibition) there shall be added the words " or cancel a direction under subsection (4A) above with which the prohibition was imposed ".
- (3) In section 57(9) the following paragraphs shall be substituted for paragraph (a) (offence to drive or cause or permit a goods vehicle to be driven in contravention of a prohibition)—
 - “(a) knowingly drives a goods vehicle on a road in contravention of a prohibition under this section ; or
 - (aa) subject to subsection (9A) below, causes or permits a goods vehicle to be driven on a road in contravention of such a prohibition ; or”;and the following subsection shall be inserted after that subsection—
 - “(9A) It shall be a defence for a person charged with an offence under subsection (9) (aa) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of any offence under that provision.”.